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This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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Title 3—The President

PROCLAMATION 4208

National Clean Water Week

By the President of the United States of America

A Proclamation

Clean water can mean many things—a sparkling stream, a refreshing drink, an industrial essential, or a beleaguered resource.

The need for clean water always exists. Agencies of government, researchers in universities, and concerned citizens individually and through organizations are working to assure a reliable and plentiful supply. Our heightened awareness of its importance in our lives and in our national life is a safeguard for its protection and enhancement. It is appropriate that we recognize the efforts of all those who are seeking to preserve our clean water supplies and encourage them and all our citizens to continue their quest.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in concurrence with H.J. Res. 437, do hereby designate the week beginning April 15, 1973, as National Clean Water Week. I call upon Federal, State, and local officials to support National Clean Water Week and to arrange for its proper observance. I also ask that special attention be given to personal voluntary activities and education efforts directed toward recognizing the need for clean water and protecting the supply.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of April, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.



[FR Doc.73-7562 Filed 4-16-73;3:30 pm]

PROCLAMATION 4209

Jim Thorpe Day

By the President of the United States of America

A Proclamation

In the early years of this century when Americans of racial and ethnic minority backgrounds were reaching for greater dignity and opportunity among their fellow-citizens, and when excellence in sport commanded increasing admiration across the country, one magnificent athlete from the Oklahoma frontier came to world renown as a pioneer in both of these developing trends.

His name was James Francis Thorpe; his roots were in the Potowatomi/Sac and Fox Tribe of the American Indians; and his prowess on playing fields from Carlisle Institute to the Stockholm Olympics remains legendary in this, the 85th anniversary year of his birth.

The history of college and professional football, world decathlon and pentathlon competition, and major league baseball is permanently enriched by the contributions of this noble American who has been acclaimed by some as the greatest athlete of the first half of the 20th century. And millions of young people who aspire to achievements transcending a disadvantaged background continue to take heart from Jim Thorpe's example.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in accordance with Senate Joint Resolution 73, do hereby proclaim Monday, April 16, 1973, as "Jim Thorpe Day" and call upon the people of the United States to mark this day with appropriate observances.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of April, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.



[FR Doc.73-7584 Filed 4-16-73;4:54 pm]

REORGANIZATION PLAN NO. 1 OF 1973

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, January 26, 1973, pursuant to the provisions of Chapter 9 of Title 5 of the United States Code.¹

Executive Office of the President

SECTION 1. *Transfer of functions to the President.*—Except as provided in section 3(a)(2) of this reorganization plan, there are hereby transferred to the President of the United States all functions vested by law in the Office of Emergency Preparedness or the Director of the Office of Emergency Preparedness after the effective date of Reorganization Plan No. 1 of 1958.

SEC. 2. *Transfer of functions to the Director, National Science Foundation.*—There are hereby transferred to the Director of the National Science Foundation all functions vested by law in the Office of Science and Technology or the Director or Deputy Director of the Office of Science and Technology.

SEC. 3. *Abolitions.*—(a) The following are hereby abolished:

(1) The Office of Emergency Preparedness including the offices of Director, Deputy Director, and all offices of Assistant Director, and Regional Director of the Office of Emergency Preparedness provided for by sections 2 and 3 of Reorganization Plan No. 1 of 1958 (5 U.S.C., App.).

(2) The functions of the Director of the Office of Emergency Preparedness with respect to being a member of the National Security Council.

(3) The Civil Defense Advisory Council, created by section 102(a) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2272(a)), together with its functions.

¹ Effective July 1, 1973, under the provisions of section 5 of the plan.

(4) The National Aeronautics and Space Council, created by section 201 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2471), including the office of Executive Secretary of the Council, together with its functions.

(5) The Office of Science and Technology, including the offices of Director and Deputy Director, provided for by sections 1 and 2 of Reorganization Plan No. 2 of 1962 (5 U.S.C., App.).

(b) The Director of the Office of Management and Budget shall make such provisions as he shall deem necessary respecting the winding up of any outstanding affairs of the agencies abolished by the provisions of this section.

SEC. 4. *Incidental transfers.*—(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred by sections 1 and 2 of this reorganization plan as the Director of the Office of Management and Budget shall determine shall be transferred at such time or times as he shall direct for use in connection with the functions transferred.

(b) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 5. *Effective date.*—The provisions of this reorganization plan shall take effect as provided by section 906(a) of title 5 of the United States Code, or on July 1, 1973, whichever is later.

[FR Doc. 73-7585 Filed 4-17-73; 9:10 am]

LEGISLATIVE HISTORY OF REORGANIZATION PLAN NO. 1 OF 1973

Weekly Compilation of Presidential Documents, Vol. 9, No. 4:

Jan. 26, Presidential message transmitting plan to Congress.

House Report No. 93-106 (Comm. on Government Operations).

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE ACTION

Section 213.3359 is amended to show that one position of Confidential Secretary to the Director is excepted under schedule C.

Effective on April 18, 1973, § 213.3359(j) is added as set out below.

§ 213.3359 ACTION.

(j) One Confidential Secretary to the Director.

(5 U.S.C. 3301, 3302, Executive Order 10577; 3 CFR 1954-58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 73-7476 Filed 4-17-73; 8:45 am]

Title 7—Agriculture CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees and Charges for Federal Rice Inspection

Correction

In FR Doc. 73-6886 appearing at page 9074 of the issue for Tuesday, April 10, 1973, make the following changes in the first column on page 9074:

1. In the sixth line of paragraph (2), "\$0.0257" should read "\$0.0275".

2. In the first line of paragraph (3), "lost" should read "lot"; and in the second line of that paragraph the dollar sign in front of "\$100 pounds" should be deleted.

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—1974-75 Marketing Year

On March 26, 1973, notice of proposed rulemaking regarding determinations

with respect to the 1974 crop of wheat was published in the FEDERAL REGISTER (38 FR 7810). Interested persons were given 15 days in which to submit written data, views, and recommendations regarding the proposed determinations. No data, views, or recommendations were submitted.

This subpart, which is issued pursuant to the Agricultural Adjustment Act of 1938, as amended, is for the purpose of (1) proclaiming a national wheat marketing quota for the marketing year beginning July 1, 1974, and (2) announcing the national acreage allotment for the 1974 crop year. Marketing quotas shall not, however, be in effect for the 1974-75 marketing year unless approved by two-thirds or more of the wheat farmers voting in a referendum to be conducted not later than August 1, 1973.

Sec.

728.301 Basis and purpose.

728.302 National marketing quota for wheat for the 1974-75 marketing year.

728.303 1974 national acreage allotment for wheat.

AUTHORITY.—Secs. 301, 332, 333, 375, 52 Stat. 38, as amended, 53, as amended, 60, as amended; 7 U.S.C. 1301, 1332, 1333, 1375.

§ 728.301 Basis and purpose.

(a) The regulations contained in §§ 728.301 to 728.303 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, to (1) proclaim a national marketing quota for wheat for the marketing year beginning July 1, 1974, (2) determine the amount of the national marketing quota, and (3) determine the national acreage allotment for wheat.

(b) The Secretary is required by section 332(a) of the act to proclaim a national marketing quota for wheat for any marketing year whenever prior to April 15 of the calendar year immediately preceding the calendar year in which such marketing year begins he determines that the total supply of wheat for such marketing year in the absence of a marketing quota program would likely be excessive. Such total supply of wheat for the 1974-75 marketing year, consisting of estimated carryover as of July 1, 1974 of 502 million bushels, plus estimated production of 1,781 million bushels if no wheat marketing quota program is in effect for 1974, plus estimated imports of 1 million bushels, would be 2,284 million bushels. It is estimated that if no quota program should be in effect for the 1974 crop, 54.8 million acres of wheat would be harvested in 1974 with a national average yield of 32.5 bushels per acre, making a total production of 1,781

million bushels. A total supply of 2,284 million bushels would exceed estimated domestic disappearance and exports of wheat during such marketing year by approximately 789 million bushels. Accordingly, such a total supply would be excessive, and a national marketing quota for wheat for the 1974-75 marketing year is required under the act.

(c) Section 332(a) of the act also provides for the proclamation of a national marketing quota for either the following marketing year or the following 2 marketing years, if the Secretary determines and declares that a 2- or 3-year marketing quota program is necessary to effectuate the policy of the act. It is determined that a 2- or 3-year marketing quota program is not necessary to effectuate the policy of the act.

(d) Section 332(b) of the act, as amended, provides that the amount of the national marketing quota for any marketing year "shall be an amount of wheat which the Secretary estimates (1) will be utilized during such marketing year for human consumption in the United States as food, food products, and beverages, composed wholly or partly of wheat, (2) will be utilized during such marketing year in the United States for seed, (3) will be exported either in the form of wheat or products thereof, and (4) will be utilized during such marketing year in the United States as livestock (including poultry) feed, excluding the estimated quantity of wheat which will be utilized for such purpose as a result of the substitution of wheat for feed grains under section 328 of the Food and Agriculture Act of 1962; less (A) an amount of wheat equal to the estimated imports of wheat into the United States during such marketing year and, (B) if the stocks of wheat owned by the Commodity Credit Corporation are determined by the Secretary to be excessive, an amount of wheat determined by the Secretary to be a desirable reduction in such marketing year in such stocks to achieve the policy of the act: *Provided*, That if the Secretary determines that the total stocks of wheat in the Nation are insufficient to assure an adequate carryover for the next succeeding marketing year, the national marketing quota otherwise determined shall be increased by the amount the Secretary determines to be necessary to assure an adequate carryover: *And provided further*, That the national marketing quota for wheat for any marketing year shall be not less than one billion bushels." The national marketing quota for wheat for the 1974-75 marketing year set out

in § 728.302(b) was computed in accordance with the formula in the act. Since stocks of wheat owned by the Commodity Credit Corporation are currently at a very low level, a further reduction in such stocks is not necessary to achieve the policy of the act. In determining the amount of the national marketing quota, the Secretary has provided that the quota otherwise determined be increased by an amount necessary to assure an adequate carryover.

(e) Pursuant to section 333 of the act, as amended, the Secretary is required to determine and proclaim a national acreage allotment for each crop of wheat. The amount of the national acreage allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of the projected national yield and expected underplantings of farm acreage allotments will produce an amount of wheat equal to the national marketing quota for wheat for such marketing year, or if a national marketing quota was not proclaimed, the quota which would have been determined if one had been proclaimed. The determination in § 728.303 of the 1974 national acreage allotment for wheat is based on the estimated acreages, yield, and production set out therein.

(f) The findings and determinations by the Secretary contained in §§ 728.302 and 728.303 have been made on the basis of the latest available statistics of the Federal Government as required by section 301(c) of the act.

§ 728.302 National marketing quota for wheat for the 1974-75 marketing year.

(a) The total supply of wheat in the 1974-75 marketing year, if no wheat marketing quota program should be in effect, is determined to be 2,284 million bushels, consisting of an estimated carryover on July 1, 1974, of 502 million bushels, an estimated production in 1974 of 1,781 million bushels, and estimated imports of 1 million bushels. It is estimated that total domestic disappearance and exports during the marketing year will be 1,495 million bushels. Such total supply would exceed estimated domestic disappearance and exports by 789 million bushels, which is considered likely to be excessive, and a national marketing quota for wheat shall be in effect for the 1974-75 marketing year.

(b) The amount of the national marketing quota for wheat for the 1974-75 marketing year shall be 1,692 million bushels, consisting of the (1) estimated human consumption in the United States during such marketing year of 530 million bushels for food, food products, and beverages, composed wholly or partly of wheat, (2) estimated use for seed in the United States during such marketing year of 65 million bushels, (3) estimated exports of wheat and wheat products during such marketing year of 850 million bushels, and (4) estimated amount to be utilized as livestock (including poultry) feed of 150 million bushels; less

estimated imports of wheat into the United States during such marketing year of 1 million bushels, and plus 98 million bushels of additional production needed to assure an adequate carryover.

§ 728.303 1974 national acreage allotment for wheat.

Based upon the projected national average yield per harvested acre of 32.6 bushels and expected underplanting of farm acreage allotments of 3 million acres, the 1974 national acreage allotment which will make available a supply of wheat equal to the national marketing quota is determined to be 58 million acres.

Effective date.—May 18, 1973.

Issued at Washington, D.C., this 13th day of April 1973.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc. 73-7453 Filed 4-17-73; 8:45 am]

Title 9—Animals and Animal Products
CHAPTER III—ANIMAL AND PLANT
HEALTH INSPECTION SERVICE (MEAT
AND POULTRY PRODUCTS INSPEC-
TION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT
INSPECTION

PART 331—SPECIAL PROVISIONS FOR
DESIGNATED STATES AND TERRITO-
RIES; AND FOR DESIGNATION OF ES-
TABLISHMENTS WHICH ENDANGER
PUBLIC HEALTH AND FOR SUCH DESIG-
NATED ESTABLISHMENTS

SUBCHAPTER C—MANDATORY POULTRY
PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS
INSPECTION REGULATIONS

Subpart V—Special Provisions for Desig-
nated States and Territories; Criteria and
Procedure for Designating Establish-
ments With Operations Which Would
Clearly Endanger the Public Health; Dis-
position of Poultry Products Therein

DESIGNATION OF A STATE UNDER FEDERAL
MEAT AND POULTRY PRODUCTS INSPEC-
TION ACTS FOR SPECIAL PURPOSES

Statement of considerations.—The Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), extends the provisions of titles I and IV of the act to intrastate activities with respect to cattle, sheep, swine, goats, and equines and their carcasses and parts and products thereof, in any State (including any organized territory), when designation of the State under section 301(c) of the act becomes effective upon the basis of the determination of the Secretary of Agriculture that the State has not developed and activated, with respect to such intrastate activities, requirements at least equal to those imposed under titles I and IV of the Federal Act with respect to activities in or for "commerce" as defined in the act. Section 5(c) of the Poultry Products Inspection Act (21 U.S.C. 454(c)) makes similar provision for the application of sections 1-4, 6-10, and 12-22 of that act to intrastate activities with respect to poultry and poultry products.

Sections 202, 203, and 204 of the Federal Meat Inspection Act (21 U.S.C. 642, 643, 644) authorize record and related requirements; registration requirements; and regulation of transactions involving dead, dying, disabled, or deceased livestock of the specified kinds, or parts of the carcasses of such animals that died otherwise than by slaughter; with respect to operators engaged in specified classes of business in or for "commerce" as defined in the act. Similar authorities are contained in sections 11 (b), (c), and (d) of the Poultry Products Inspection Act (21 U.S.C. 460 (b), (c), and (d)). Section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 645, 460(e)) authorize the Secretary of Agriculture to exercise the authorities under the aforesaid sections with respect to firms, persons, and corporations engaged in the specified kinds of business but not in or for "commerce" in any State or organized territory when he determines, after consultation with an appropriate advisory committee, that the State or territory does not have at least equal authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the act.

The State of Kentucky has been designated for the application, to intrastate activities, of titles I and IV of the Federal Meat Inspection Act and sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act. The Secretary, after consultation with an appropriate advisory committee, has now determined that this State does not have or is not exercising, in a manner to effectuate the purposes of the acts, with respect to intrastate businesses, authorities at least equal to those under sections 202, 203, and 204 of the Federal Meat Inspection Act, and sections 11 (b) and (c) of the Poultry Products Inspection Act. Therefore, this State is hereby designated under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act for the exercise of the specified authorities with respect to intrastate businesses, and hereafter sections 202, 203, and 204 of the Federal Meat Inspection Act and section 11 (b) and (c) of the Poultry Products Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of business specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

Accordingly, § 331.6 of the meat inspection regulations (9 CFR 331.6) is amended by inserting the following information with respect to the respective sections of the act and the regulations specified in § 331.6, as indicated below:

§ 331.6 Designation of States under section 205 of the act; application of sections of the act and the regulations.

* * * * *

Sections of act and regulations	Classes of operators	State	Effective date of designation
Act, section 202; §§ 320.1, 320.2, 320.3, and 320.4.	Persons engaged (not in or for commerce) in (1) the business of slaughtering any livestock or preparing, freezing, packaging or labeling any livestock carcasses or parts or products thereof, for use as human food or animal food; (2) the business of buying or selling (as a meat broker, wholesaler, or otherwise), transporting or storing any livestock carcasses or parts or products thereof; or (3) business as a renderer, or in the business of buying, selling, or transporting any dead, dying, disabled, or diseased livestock or parts of carcasses of any livestock that died otherwise than by slaughter.	Kentucky.....	
Act, 203; § 320.5.....	Persons engaged (not in or for commerce) in business as a meat broker, renderer, animal food manufacturer, wholesaler or public warehouseman of livestock carcasses, or parts or products thereof; or buying, selling, or transporting any dead, dying, disabled, or diseased livestock, or parts of carcasses of any such livestock that died otherwise than by slaughter.	Kentucky.....	
Act, 204; §§ 325.20 and 325.21.	Persons engaged (not in or for commerce) in the business of buying, selling or transporting any dead, dying, disabled or diseased animals, or parts of carcasses of any animals that died otherwise than by slaughter.	Kentucky.....	

(Secs. 21 and 205, 34 Stat. 1260, as amended, 81 Stat. 584, 21 U.S.C. 621, 646; 37 FR 28464, 28477.)

Further, § 381.224 of the regulations (9 CFR 381.224) under the Poultry Products Inspection Act is amended by inserting the following information with respect to the respective paragraphs of the act and the regulations specified in § 381.224, as indicated below:

§ 381.224 Designation of States under section 11 of the act; application of sections of the act and the regulations.

Paragraphs of act and regulations	Classes of operators	State	Effective date
Act, 11(b); §§ 381.175-381.178.	Persons engaged (not in or for commerce) in (1) the business of slaughtering any poultry or processing, freezing, packaging, or labeling any poultry carcasses, or parts or products thereof, for use as human food or animal food; (2) the business of buying or selling (as a poultry products broker, wholesaler, or otherwise), transporting or storing any poultry carcasses, or parts or products thereof; or (3) business as a renderer or in the business of buying, selling, or transporting any dead, dying, disabled, or diseased poultry or parts of carcasses of any poultry that died otherwise than by slaughter.	Kentucky.....	
Act, 11(c); § 381.179.....	Persons engaged (not in or for commerce) in business as a poultry products broker, renderer, animal food manufacturer, wholesaler or public warehouseman of poultry carcasses, or parts or products thereof; or buying, selling, or transporting dead, dying, disabled, or diseased poultry or parts of carcasses of any poultry that died otherwise than by slaughter.	Kentucky.....	

(Secs. 11(e) and 14, 71 Stat. 441, as amended, 82 Stat. 791, 21 U.S.C. 460(e), 463; 37 FR 28464, 28477.)

These amendments of the regulations are necessary to reflect the determinations of the Secretary of Agriculture under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act, and to effectuate the purposes of the acts by facilitating their enforcement. It does not appear that public participation in this rulemaking proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments and the notice given hereby shall become effective April 18, 1973.

Done at Washington, D.C., on April 9, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

[FR Doc.73-7228 Filed 4-17-73;8:45 am]

Title 10—Atomic Energy CHAPTER I—ATOMIC ENERGY COMMISSION

PART 2—RULES OF PRACTICE

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Licenses, Facility Construction Permits, and Operating Licenses

The Atomic Energy Commission has adopted amendments to its rules of practice in 10 CFR part 2 and to 10 CFR part 50, Licensing of Production and Utilization Facilities, that (1) conform the criterion for 30-day prior notice of amendments to facility construction permits and operating licenses more precisely to the terms of the Atomic Energy Act and (2) provide for publication of notices of issuance of amendments of certain licenses whether or not notices of the proposed action had been published.

Section 189 of the Atomic Energy Act of 1954, as amended (the Act), provides that in cases where a construction permit for a facility under sections 103 or 104 b. of the Act, or a testing facility under section 104 c. of the Act, has been issued following a hearing, the Com-

mission may, in the absence of a request therefor by any person whose interest may be affected, issue an amendment to the construction permit or to the operating license without a hearing, upon 30-days' notice and publication of its intent to do so in the FEDERAL REGISTER, except that that notice may be dispensed with upon a determination that the amendment does not involve a significant hazards consideration.

In implementation of § 189, part 2 contains provisions which state that a notice of proposed action on an amendment to a facility license which "involves significant hazards considerations different from those previously evaluated" will be published in the FEDERAL REGISTER, and will provide that, within 30 days from date of publication of the notice or such lesser period authorized by law, the applicant may request a hearing or any person whose interest may be affected by the proceeding may file a petition for leave to intervene (§ 2.105). Section 2.106 provides for notice, by publication in the FEDERAL REGISTER, of the issuance of amendments to facility licenses for which a notice of proposed action has been previously published, among other things.

The amendments which follow express the criterion for publication of 30-day prior notice of proposed action on amendments to facility licenses (including construction permits) in § 2.105 of part 2 and a related section of part 50 in the same terms as the criterion of section 189 a. of the Act, i.e., the involvement of "a significant hazards consideration" rather than "significant hazards considerations not previously evaluated."

In addition, § 2.106 of part 2 has been amended to provide for publication of notice of issuance of an amendment of a facility construction permit or operating license, in the case of a facility of the type described in § 50.21(b) or § 50.22 of part 50 or a testing facility, whether or not a notice of proposed action on the amendment had been published.

The Commission has found that since to the extent these amendments relate to matters other than procedural matters, they are of a minor, clarifying nature, good cause exists for omitting notice of proposed rulemaking and public procedures thereon as unnecessary, and for making the amendments effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, parts 2 and 50 are published as a document subject to codification, to be effective on April 18, 1973.

1. Paragraph (a) (3) of § 2.105 of 10 CFR part 2 is amended to read as follows:

§ 2.105 Notice of proposed action.

(a) If a hearing is not required by the Act or this chapter, and if the Commission or the Director of Regulations has not found that a hearing is in the public interest, he will, prior to acting thereon, cause to be published in the FEDERAL

REGISTER a notice of proposed action with respect to an application for:

(3) An amendment of a license specified in paragraph (a) (1) or (2) of this section and which involves a significant hazards consideration.

2. Paragraph (a) of § 2.106 of 10 CFR part 2 is amended to read as follows:

§ 2.106 Notice of issuance.

(a) The Director of Regulation will cause to be published in the FEDERAL REGISTER notice of, and will inform the State and local officials specified in § 2.104(e) of the issuance of:

(1) A license or an amendment of a license for which a notice of proposed action has been previously published; and

(2) An amendment of a license for a facility of the type described in § 50.21 (b) or § 50.22 of this chapter, or a testing facility, whether or not a notice of proposed action has been previously published.

§ 50.59 [Amended]

3. In § 50.59(e) (1) and (2), the words "significant hazards considerations not described or implicit in the safety analysis report" are changed to read "a significant hazards consideration".

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 103, 104, 189, 68 Stat. 936, 937, 955, as amended; 42 U.S.C. 2133, 2134, 2239a.)

Dated at Germantown, Md., this sixth day of April 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-7433 Filed 4-17-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12752; Amdt. 39-1626]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale Models SA-315B, SA-316B, SA-316C, and SA-319B Helicopters

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), an airworthiness directive (AD) was adopted on March 23, 1973, and made effective immediately upon receipt of the airmail letter AD as to all known U.S. operators of Societe Nationale Industrielle Aerospatiale (S.N.I.A.S.—formerly SUD Aviation) Lama model SA-315B and Alouette models SA-316B, SA-316C, and SA-319B helicopters because of the report of a crash landing of an Alouette type helicopter caused by fatigue failure of the planet pinions of the second stage

planetary gear of the main rotor gear box. The AD requires an inspection of the planet pinions for cracks or evidence of overheating and replacement, if necessary.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of S.N.I.A.S. Lama model SA-315B and Alouette models SA-316B, SA-316C, and SA-319B helicopters by airmail letters dated March 23, 1973. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of part 39 of the Federal Aviation Regulations to make it effective as to all persons.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE (S.N.I.A.S.—formerly SUD Aviation). Applies to Lama model SA-315B and Alouette models SA-316B, SA-316C, and SA-319B helicopters having main gear box P/N's 319A.62.00.000.1, and 319A.62.00.000.2, serial numbers up to and including 2,000, installed.

Compliance required as follows, unless already accomplished:

(1) For helicopters that have accumulated 500 or more hours' time in service on the main rotor gear box since new or since overhauled, compliance is required before further flight, except that the aircraft may be flown in accordance with FAR 21.197 to a base where the work can be performed.

(2) For all other helicopters, compliance is required before the accumulation of 500 hours' time in service on a main rotor gear box since new or since overhauled.

To prevent the possible failure of a main rotor gear box because of defective planetary gears, remove and disassemble gear box P/N's 319A.62.00.000.1, or 319A.62.00.000.2 and inspect the planet pinions of the second stage planetary gear, P/N 3160S.62.05.203, for cracks and evidence of overheating, due to grinding, in accordance with the inspection procedures specified in Aerospatiale Service Letter No. 137-01-72, dated November 30, 1972, or an FAA-approved equivalent and—

(a) For Lama model SA-315B helicopters, Aerospatiale Service Bulletin No. 05-02, dated October 27, 1972, as amended on November 30, 1972, or an FAA-approved equivalent; and

(b) For Alouette models SA-316B, SA-316C, and SA-319B helicopters, Aerospatiale Service Bulletin No. 05-47, dated October 27, 1972, or an FAA-approved equivalent.

(c) If cracks or evidence of overheating are found in the planet pinions of the second stage planetary gear, P/N 3160S.62.05.203, replace with serviceable planet pinions of the same part number.

This amendment is effective April 18, 1973 as to all persons except those persons to whom it was made immediately effective by the airmail letter dated March 23, 1973, which contained this amendment.

Issued in Washington, D.C., on April 11, 1973.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.73-7427 Filed 4-17-73;8:45 am]

[Airspace Docket No. 73-EA-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 4980 of the FEDERAL REGISTER for February 23, 1973, the Federal Aviation Administration published a proposed rule which would alter the Parkersburg, W. Va., control zone (38 FR 410) and transition area (38 FR 552).

Interested parties were given 30 days after publication in which to submit written data or views. A sole objection from a Mr. Charles C. Scott as owner of Scott Field, Mineral Wells, W. Va., objected to the inclusion of Scott Field under the transition area. It has been determined, however, that to exclude Scott Field would require a revision to the ILS procedure for approach to Wood County (Gill Robb Wilson Field) Airport. Such revision is impractical since it would nullify the effectiveness of the approach.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., June 21, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(e) Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 5, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.171 of part 71 of the Federal Aviation Regulations by deleting the description of the Parkersburg, W. Va. control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center 39°20'44" N., 81°26'16" W. of Wood County (Gill Robb Wilson Field) Airport, Parkersburg, W. Va.

2. Amend § 71.181 of part 71 of the Federal Aviation Regulations by deleting the description of the Parkersburg, W. Va. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 39°20'44" N., 81°26'16" W. of Wood County (Gill Robb Wilson Field) Airport, Parkersburg, W. Va.; within 5 miles each side of the Wood County (Gill Robb Wilson Field) Airport ILS localizer south course, extending from the 9-mile radius area to 10 miles south of the OM; and within 5-miles each side of a 086° bearing from a point 39°09'38" N., 81°38'35" W., extending from said point to 5 miles east of the Wood County (Gill Robb Wilson Field) Airport ILS localizer south course.

[FR Doc.73-7426 Filed 4-17-73;8:45 am]

Title 17—Commodity and Securities
Exchanges

CHAPTER II—SECURITIES AND
EXCHANGE COMMISSION

[Release No. 33-5382]

PART 231—INTERPRETATIVE RELEASES
RELATING TO THE SECURITIES ACT OF
1933 AND GENERAL RULES AND REGU-
LATIONS THEREUNDER

Advertising and Sales Practices in Con-
nection With Offers and Sales of Securities
Involving Condominium Units and Other
Units in Real Estate Development

The Securities and Exchange Commis-
sion today called attention to the re-
quirement that public offerings of con-
dominium units and other units in real
estate developments (condominium
units) registered or required to be regis-
tered under the Securities Act of 1933
(Act) be made in conformity with the
requirements of section 5(a) of the Act.
Section 5(a) provides that it is unlawful,
absent an exemption, for any person, di-
rectly or indirectly, to sell a security
using the means or instruments of inter-
state commerce or the mails unless a
registration statement is in effect as to
such security. The Commission has dis-
cussed previously the applicability of the
Federal securities laws, including the
registration requirements of the Act, to
offerings of condominium units in con-
junction with certain rental arrange-
ments.¹ The Commission is aware that
compliance with the requirements of the
Federal securities laws may require of-
fers of condominium units involving an
investment contract required to be regis-
tered under the Act to refrain from cer-
tain sales practices and procedures used
by sellers of condominium units offered
without any collateral arrangements and
not subject to registration.

Specifically, prior to the filing of a
registration statement, the dissemination
of sales literature, brochures or publicity
concerning the condominium units or the
proposed offering would constitute an
illegal offer within the meaning of sec-
tion 5 of the Act. However, notices by
an issuer given in accordance with the
provisions of rule 135 (17 CFR 230.135)
under the Act are deemed not to offer
securities for sale for the purpose of
section 5 of the Act and, accordingly, may
be published prior to the filing of a regis-
tration statement. Further, no purchase
price payments, deposits, or purchase
commitments may be accepted, nor may
indications of interest be solicited prior
to filing the registration statement.

After the registration statement is
filed, and before its effective date, offers
to sell the securities are permitted but
no written offer may be made except by
means of a statutory prospectus. For this
purpose the statutory prospectus is the
preliminary prospectus provided for in
section 10(b) of the Act and rule 433
thereunder (17 CFR 230.433). In addi-
tion, communications permitted by rule
134 (17 CFR 230.134) may be published
or transmitted. Indications of interest

may be taken, but, as in the prefiling pe-
riod, the acceptance of purchase price
payments, deposits, or purchase com-
mitments violates section 5 of the Act.
This is so whether or not the payment
or deposit is placed in escrow, whether
or not it is refundable at the option of
the prospective purchaser, whether or
not such refund may be obtained upon
request, whether or not a refund will be
made in the absence of notification from
a prospective purchaser that he confirms
the purchase and whether or not other
arrangements exist with regard to the
refund of such payment or deposit.

After the registration statement has
become effective, sales may be made pro-
vided a final statutory prospectus meet-
ing the requirements of section 10(a) of
the Act precedes or accompanies any
written offer, confirmation or delivery
of the security, whichever first occurs.
Communications meeting the require-
ments of rule 134 (17 CFR 230.134) may
be published or transmitted. Supple-
mental sales literature may be sent to a
prospective investor only if such litera-
ture is preceded or accompanied by a
final statutory prospectus and if such
literature is not false or misleading.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

APRIL 9, 1973.

[FR Doc.73-7467 Filed 4-17-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINIS-
TRATION, DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

OPHTHALMIC OINTMENT, VETERINARY

The Commissioner of Food and Drugs
has evaluated a supplemental new animal
drug application (65-015V) filed by
KASCO-EFCO Laboratories, Inc., P.O.
Box 730, Hicksville, N.Y. 11802, proposing
revised labeling for the safe and effective
use of zinc bacitracin, polymyxin B sul-
fate, neomycin sulfate, hydrocortisone
acetate ophthalmic ointment, veterinary,
for the treatment of dogs and cats. The
supplemental application is approved.

To facilitate referencing, KASCO-
EFCO Laboratories, Inc., is being as-
signed a code number and placed in the
list of firms in § 135.501 (21 CFR
135.501).

Pursuant to provisions of the Federal
Food, Drug, and Cosmetic Act (sec. 512
(1), 82 Stat. 347; 21 U.S.C. 360b(1)) and
under authority delegated to the Com-
missioner (21 CFR 2.120), parts 135, 135a,
and 146e are amended as follows:

PART 135—NEW ANIMAL DRUGS

1. Section 135.501 is amended in para-
graph (c) by adding a new code No. 082,
as follows:

§ 135.501 Names, addresses, and code
numbers of sponsors of approved
applications.

(p) * * *

Code No Firm name and address

082 ----- KASCO-EFCO Laboratories,
Inc., P.O. Box 730, Hicks-
ville, N.Y. 11802.

PART 135a—NEW ANIMAL DRUGS FOR
OPHTHALMIC AND TOPICAL USE

2. Part 135a is amended by adding the
following new section:

§ 135a.38 Zinc bacitracin, polymyxin B
sulfate, neomycin sulfate, hydrocor-
tisone acetate, ophthalmic ointment,
veterinary.

(a) *Specifications.*—The drug con-
forms to the specification requirements
in § 146a.422 of this chapter and is sub-
ject to the tests and methods of assay
prescribed in § 141e.422 of this chapter.
Each gram of the drug contains the fol-
lowing active ingredients: 400 units of
zinc bacitracin, 5,000 units of polymyxin
B sulfate, 5 milligrams of neomycin
sulfate (equivalent to 3.5 mg of neo-
mycin base), and 10 milligrams of hydro-
cortisone acetate.

(b) *Sponsor.*—See code No. 082 in
§ 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) The drug
is administered to dogs and cats for
treating acute or chronic conjunctivitis
caused by organisms susceptible to the
antibiotics contained in this ointment.

(2) Apply a thin film over the cornea
three or four times daily.

(3) All topical ophthalmic prepara-
tions containing corticosteroids with or
without an antimicrobial agent are con-
traindicated in the initial treatment of
corneal ulcers. They should not be used
until the infection is under control and
corneal regeneration is well underway.

(4) Federal law restricts this drug to
use by or on the order of a licensed
veterinarian.

PART 146e—CERTIFICATION OF BACI-
TRACIN AND BACITRACIN-CONTAIN-
ING DRUGS

3. Part 146e is amended in § 146a.402
(c) by revising subparagraphs (3) and
(4), as follows:

§ 146e.402 Bacitracin ointment; zinc
bacitracin ointment.

(c) * * *

(3) *It is packaged for dispensing; it
contains cortisone or a suitable deriva-
tive of cortisone; and it is intended solely
for veterinary use.*—Its label and label-
ing shall comply with the requirements
of § 1.106(c) of this chapter (regulations
issued under section 502(f) of the act)
and with the requirements of subpara-
graph (1) of this paragraph.

(4) *It is packaged for dispensing; it
does not contain cortisone or a derivative
of cortisone; and it is intended solely for
veterinary use.*—Its label and labeling
shall comply with the requirements of
subparagraph (3) of this paragraph, ex-
cept that in lieu of the statement "Cau-
tion: Federal law restricts this drug to
use by or on the order of a licensed
veterinarian" each package shall include
information containing directions and

¹ See Securities Act Release No. 5347 (Jan. 4,
1973) (38 FR 1735).

warnings adequate for the veterinary use of the drug by the laity.

Effective date.—This order shall be effective on April 18, 1973.

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1).)

Dated April 12, 1973.

C. D. VAN HOUWELING,

Director,

Bureau of Veterinary Medicine.

[FR Doc.73-7419 Filed 4-17-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

n-Butyl Chloride Capsules

The Commissioner of Food and Drugs has evaluated new animal drug applications (46-922V and 46-923V) filed by A. H. Robins Co., Research Laboratories, 1211 Sherwood Avenue, Richmond, Va., proposing the safe and effective use of n-butyl chloride capsules as an anthelmintic for dogs and cats. The applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1)), and under authority delegated to the Commissioner (21 CFR 2.120), part 135c is amended by adding a new section as follows:

§ 135c.77 n-Butyl chloride capsules, veterinary.

(a) *Specifications.*—n-butyl chloride capsules, veterinary contain 272 milligrams or 816 milligrams of n-butyl chloride in each capsule.

(b) *Sponsor.*—See code No. 060 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) It is used for the removal of ascarids (*Toxocara canis* and *Toxascaris leonina*) and hookworms (*Ancylostoma caninum*, *Ancylostoma braziliense*, and *Uncinaria stenocephala*) from dogs and of the ascarid (*Toxocara cati*) and hookworm (*Ancylostoma tubaeforme*) from cats.

(2) (i) Animals should not be fed for 18 to 24 hours before being given the drug. Puppies and kittens should be wormed at 6 weeks of age. However, if heavily infested, they may be wormed at 4 or 5 weeks of age. Administration of the drug should be followed in ½ to 1 hour with a teaspoonful to a tablespoonful of milk of magnesia or 1 to 2 milk of magnesia tablets. Normal rations may be resumed 4 to 8 hours after treatment. Puppies and kittens should be given a repeat treatment in a week or 10 days. After that they should be treated every 2 months (or as symptoms reappear) until a year old. When the puppy or kitten is a year old, one treatment every 3 to 6 months is sufficient.

(ii) For dogs or cats that have been wormed regularly, treatment every 3 to 6 months will be sufficient. If a dog or cat has not been wormed previously and has the symptoms of large roundworms

a dose should be given and repeated in 10 days. Removal of hookworms may require 3 or 4 doses at 10-day intervals.

(iii) Puppies, dogs, cats, or kittens weighing 1 to 3 pounds should be given 2 capsules per dose which contain 272 milligrams of n-butyl chloride each. Such animals weighing 4 to 5 pounds should be given 3 such capsules. Animals weighing 6 to 7 pounds should be given 4 such capsules and animals weighing 8 to 9 pounds should be given 5 such capsules. Animals weighing 10 to 20 pounds should be given 3 capsules which contain 816 milligrams of n-butyl chloride each, animals weighing 20 to 40 pounds should be given 4 such capsules and animals weighing over 40 pounds should be given 5 such capsules with the maximum dosage being 5 capsules, each of which contain 816 milligrams of n-butyl chloride.

(3) A veterinarian should be consulted before using in severely debilitated dogs or cats and also prior to repeated use in cases which present signs of persistent parasitism.

Effective date.—This order shall be effective April 18, 1973.

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1).)

Dated April 12, 1973.

C. D. VAN HOUWELING,

Director,

Bureau of Veterinary Medicine.

[FR Doc.73-7420 Filed 4-17-73;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER F—ENROLLMENT

PART 41—PREPARATION OF ROLLS OF INDIANS

Qualifications for Enrollment and the Deadline for Filing Applications

The authority to issue regulations on Indian affairs is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Section 41.3, part 41, subchapter F, chapter I, title 25 of the Code of Federal Regulations is amended by adding a new paragraph designated (q). The new paragraph establishes requirements for enrollment and a deadline for filing applications to bring current the roll of the Confederated Tribes of Weas, Piankashaws, Peorias and Kaskaskias prepared pursuant to section 1 of the act of July 31, 1970 (84 Stat. 688).

The act of July 31, 1976 (84 Stat. 688), under which these regulations are issued, requires that the Secretary bring current the roll of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias as of January 8, 1971, the date the funds were appropriated to cover the award in docket 314-D and December 15, 1971, the date the funds were appropriated to cover the award in docket 289. Since the amendment establishes a deadline for filing applications, advance notice and public procedure thereon would curtail the filing period and are deemed contrary to the public

interest. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b) (B) of 5 U.S.C. 553 (1970).

Since this amendment imposes a deadline for filing enrollment applications, the 30-day deferred effective date would shorten the amount of time applicants could apply and may result in some eligible Indians not receiving benefits. Therefore, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d) (3) of 5 U.S.C. 553 (1970). Accordingly, this amendment will become effective April 18, 1973.

As amended, § 41.3 reads as follows:

§ 41.3 Qualifications for enrollment and the deadline for filing applications.

(q) Wea, Piankashaw, Peoria, and Kaskaskia Indians.—(1) Pursuant to section 4 of the act of July 31, 1970 (84 Stat. 688), the funds awarded to the Peoria Indians in docket 314-D shall be distributed on a per capita basis to persons whose names appear on the roll prepared under section 1 of the act after the roll is brought current as of January 8, 1971, the date the funds were appropriated. The roll will be brought current by adding to the roll the names of children who were born to persons whose names are on the roll prepared pursuant to section 1 of the act after July 31, 1970, but on or before January 8, 1971, and were living on that date and by deleting from the roll the names of enrollees who died between July 31, 1970, and January 8, 1971.

(2) Pursuant to section 4 of the act of July 31, 1970, the funds awarded to the Peoria Indians in docket 289 shall be distributed on a per capita basis to persons whose names appear on the roll prepared under section 1 of the act after the roll is brought current as of December 15, 1971, the date the funds were appropriated. The roll will be brought current by adding to the roll the names of children who were born to persons whose names are on the roll prepared pursuant to section 1 of the act after January 8, 1971, but who were born on or before December 15, 1971, and were living on that date and by deleting from the roll the names of enrollees who died between January 8, 1971, and December 15, 1971.

(3) Persons whose names appear on the roll of the Confederated Tribes of Weas, Piankashaws, Peorias and Kaskaskias prepared in accordance with section 1 of the act of July 31, 1970 and 25 CFR 41.3(m) shall not be required to reapply for enrollment. They will, however, be required to furnish current information as to their whereabouts.

(4) Applications for enrollment of persons born after July 31, 1970, must be filed with the Area Director, Muskogee Area Office, Bureau of Indian Affairs, Federal Building, Muskogee, Oklahoma 74401, and must be received no later than May 15, 1973. Responsibility for seeing that such applications are filed is upon the parents, guardians or other parties

having legal custody of persons eligible for enrollment who were born after July 31, 1970. Application received after May 15, 1973 will be dismissed for failure to file in time regardless of whether the applicant otherwise meets the requirements for enrollment.

No further changes are made in the text of part 41.

WILLIAM L. ROGERS,
Deputy Assistant Secretary
of the Interior.

APRIL 11, 1973.

[FR Doc.73-7447 Filed 4-17-73;8:45 am]

Title 32A—National Defense, Appendix
CHAPTER VI—DOMESTIC AND INTER-
NATIONAL BUSINESS ADMINISTRATION

[BCABP Notice 2]

BCABP NOTICE 2—SIGNATURE OF
OFFICIAL BCABP ACTIONS

APRIL 13, 1973.

This notice is found necessary in order to bring procedural practices into conformity with the provisions of Commerce Department Organization Order 10-3, as amended, 37 FR 25555, 38 FR 4278, which abolished the Bureau of Domestic Commerce and assigned its functions to the Domestic and International Business Administration which was established as a primary operating unit of the Department of Commerce. Order 10-3 also established the Bureau of Competitive Assessment and Business Policy as a mainline component of the Domestic and International Business Administration. Department of Commerce, Domestic and International Business Administration Organization and Function Orders 45-1, as amended, and 45-2 prescribe the organization and functions of the Bureau of Competitive Assessment and Business Policy. This notice supersedes BDC Notice 2, as amended, September 30, 1970, 35 FR 15641.

Sec.

1. Purpose of this notice.
2. Definitions.
3. Signature of official actions.

Section 1. Purpose of this notice.

This notice prescribes the exclusive methods of signature to be used on official actions taken by the Bureau of Competitive Assessment and Business Policy under the authority of the Defense Production Act of 1950, as amended and extended. This notice does not apply to official actions of any other agency, or of any officer or employee thereof, even when such action is based on a regulation, order, directive, direction, delegation, designation, notice, or rule of the Bureau of Competitive Assessment and Business Policy.

Sec. 2. Definition.

As used in this notice, "official action" means any action taken by the Bureau of Competitive Assessment and Business Policy under the authority of the Defense Production Act of 1950, as amended and extended, including but not limited to

the issuance of any regulation, order, direction, or supplement thereto, including any amendment, extension, or revocation thereof; any action taken by letter, telegram, form, directive, or otherwise, which assigns or denies a preference rating or grants or denies an authorization, allocation, allotment, adjustment, or exception, to a named person or persons to take or not to take any action relating to production, delivery, receipt, use, sale or distribution of any material or facility; and any action which changes or refuses to change the effect of any of the above actions. For the purpose of this notice, "official action" does not include any action taken in the course of an investigation or compliance proceeding; or the issuance of a suspension order or any action taken in the course of a proceeding looking toward the issuance of such a suspension order.

Sec. 3. Signature of official actions.

(a) The Director and the Deputy Director of the Bureau of Competitive Assessment and Business Policy may, in their respective names, perform the functions and exercise all the powers, authority, and discretion vested in the Director of the Bureau of Competitive Assessment and Business Policy.

(b) All official actions taken in performance of the functions or in the exercise of the powers, authority, and discretion vested in the Director of the Bureau of Competitive Assessment and Business Policy under the Defense Production Act of 1950, as amended and extended, which are not taken in the name of the Director, or in the name of the Deputy Director, Bureau of Competitive Assessment and Business Policy, shall be taken in the name of the Director of the Bureau's Office of Industrial Mobilization or in the name of the Bureau's Office of Industrial Mobilization, countersigned or attested by the Executive Secretary of the Office of Industrial Mobilization. Unless otherwise ordered, all actions taken by countersignature or attestation of the Executive Secretary shall be in the following form:

Office of Industrial Mobilization,
By _____

(Executive Secretary)

This notice shall take effect April 13, 1973.

(Defense Production Act of 1950, as amended, (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6371, 24 FR 3779, 27 FR 9633, 11447, 3 CFR 1949-1953 Comp., p. 919; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Order 10-3, as amended, 37 FR 25555, 38 FR 4278; and Department of Commerce, Domestic and International Business Administration Organization and Function Orders 45-1, as amended, and 45-2.)

BUREAU OF COMPETITIVE ASSESSMENT
AND BUSINESS POLICY,
GARY M. COOK,
Director.

[FR Doc.73-7495 Filed 4-17-73;8:45 am]

Title 33—Navigation and Navigable
Waters

CHAPTER 1—COAST GUARD, DEPART-
MENT OF TRANSPORTATION

[CGD 72-203R]

PART 117—DRAWBRIDGE OPERATION
REGULATIONS

Alabama River, Alabama

This amendment changes the regulations for the U.S. Highways 31 and 82 drawbridge across the Alabama River, mile 278.2 near Montgomery to require at least 24 hours notice for the draw to open. This amendment was circulated as a public notice dated October 24, 1972 by the Commander, Eighth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 72-203P) on October 14, 1972 (37 FR 21853). Four comments were received. Two had no objection, however, one of these recommended reducing from 24 hours to 12 hours the time required for requests for draw openings. Two objected on the basis of anticipated commercial use of the waterway. The Coast Guard does not believe that this proposal will adversely affect current navigational requirements. However, this matter will be closely monitored and if conditions dictate a change in these regulations, such will be forthcoming.

Accordingly, part 117 of title 33 of the Code of Federal Regulations is amended by adding a new subparagraph (12-a) immediately after subparagraph (12) of paragraph (1) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(1) . . .

(12-a) Alabama River, Ala.; U.S. Highway 31 and 82 Swing Bridge, mile 278.2 near Montgomery. The draw shall open on signal if at least 24 hours notice has been given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 89 Stat. 937; 33 U.S.C. 493, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1 (c) (4).)

Effective date.—This revision shall become effective on May 21, 1973.

Dated April 12, 1973.

W. M. BENNETT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.73-7454 Filed 4-17-73;8:45 am]

[CGD 73-75 R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS**Hackensack River, N.J.**

This amendment changes the regulations for the New Jersey Department of Transportation drawbridge across the Hackensack River at Little Ferry, N.J. to require at least 48 hours' notice from June 11, 1973, through December 7, 1973. This change is required to replace the concrete deck on this bridge.

This rule is issued without notice of proposed rulemaking. The Coast Guard has found that good cause exists for taking this action on the basis that it would be contrary to the public interest to delay this work.

Accordingly, part 117 of title 33 of the Code of Federal Regulations is amended by adding the following sentence to subparagraph (1-b) of paragraph (f) of § 117.225 to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

(f) * * *

(1-b) Hackensack River, New Jersey Department of Transportation bridge at Little Ferry. At least 6 hours' notice is required. However, from June 11, 1973, through December 7, 1973, at least 48 hours' notice is required.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1 (c) (4).)

Effective date.—This revision shall be effective from June 11, 1973, through December 7, 1973.

Dated April 19, 1973.

J. D. McCANN,
Captain, U.S. Coast Guard, Acting
Chief, Office of Marine
Environment and Systems.

[FR Doc.73-7455 Filed 4-17-73;8:45 am]

Title 40—Protection of Environment**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY****SUBCHAPTER E—PESTICIDE PROGRAMS****PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT****Registration of Products Containing DDT**
Correction

In FR Doc. 73-6995 appearing at page 9089 of the issue for Tuesday, April 10, 1973, the following line should be inserted after the fourth line of the second paragraph: "commerce. On October 21, 1972, how-".

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE**SUBCHAPTER J—MISCELLANEOUS**

[General Order 98]

PART 380—PROCEDURES**Subpart B—Filing of Applications Under Public Law 87-877****REVOCATION OF SUBPART**

Subpart B (General Order 98) of this part, title, and chapter is hereby revoked due to the expiration of Public Law 87-877, on October 24, 1963.

This subpart prescribed the procedures to be followed with respect to filing applications to permit the use of foreign flag vessels for the carriage of lumber to the Commonwealth of Puerto Rico.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated April 12, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-7472 Filed 4-17-73;8:45 am]

Title 47—Telecommunication**CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION****PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES****Frequencies for Public Correspondence**

In the matter of editorial amendments of part 83 of the FCC rules and regulations.

Coast stations located in the vicinity of—	Mobile station transmitting carrier frequency (kHz) ¹				Associated coast station transmitting carrier frequency (kHz) ¹			
	Note 1	Note 2	Note 3	Conditions of use, Note 4	Note 1	Note 2	Note 3	Conditions of use, Note 4
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Miami, Fla.	2406				9	2442		9
	2031.6				None	2490		8
	2118				10	2514		5, 11
	2168				12	2550		13
				4072.4	33		4371.0	31, 33
				4104.4	33		4403.0	29, 33
				4123.6	33		4422.2	30, 32

[FR Doc.73-7391 Filed 4-17-73;8:45 am]

Title 50—Wildlife and Fisheries**CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR****PART 33—SPORT FISHING****Long Lake National Wildlife Refuge, N. Dak.**

The following special regulation is issued and is effective on April 18, 1973.

1. By this order we are correcting a printing error which appears in § 83.354 (b), column (4), opposite the coast station located at Miami, Fla.

2. Authority for the amendment appears in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules and regulations. Since the amendment is an editorial correction, the prior notice and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. It is ordered, That the rule amendment as set forth below shall be adopted effective April 18, 1973.

Adopted April 9, 1973.

Released April 10, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,
JOHN M. TORBET,
Executive Director.

Part 83 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

Part 83 Stations on Shipboard in the Maritime Services.

In § 83.354, paragraph (b), column (4) opposite the coast station located at Miami, Fla., the lowest entry is amended to read as follows:

§ 83.354 Frequencies below 5000 kHz for public correspondence.

(b) Frequencies available for use when the mobile station and the coast station transmit alternately on different radio channels:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA**LONG LAKE NATIONAL WILDLIFE REFUGE**

Sport fishing on the Long Lake National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open

areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 5, 1973 to September 15, 1973, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in title 50,

part 33, and are effective through September 15, 1973.

JIM MATTHEWS,
Refuge Manager, Long Lake
National Wildlife Refuge,
Moffit, N. Dak.

APRIL 9, 1973.

[FR Doc.73-7462 Filed 4-17-73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 981]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

Proposed Revision of Salable and Reserve Percentages for the 1972-73 Crop Year

Notice is hereby given of a proposal to revise the salable and reserve percentages previously established (7 CFR 981.222; 37 FR 16678) for California almonds for the 1972-73 crop year from 55 percent and 45 percent, respectively, to 66 percent and 34 percent. No change was proposed in the export percentage of 100 percent also established for the 1972-73 crop year at 37 FR 16678. The 1972-73 crop year began July 1, 1972.

The proposal was unanimously recommended by the Almond Control Board pursuant to § 981.48 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR part 981; 37 FR 3983), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

In arriving at its recommendations, the Board determined that the quantity of salable almonds is not sufficient to satisfy trade demand and desirable carryover requirements for the 1972-73 crop year. The Board estimated California's 1972 production of almonds to be 145 million pounds, kernel weight basis, 35 million pounds less than early season estimates of 180 million pounds. The Board also estimated 1972-73 trade demand for 1972 crop California almonds at 75 million pounds, 10 million pounds less than its July 1972 estimate of that demand.

In arriving at its estimates, the Board gave consideration to several factors. Until 1973 crop almonds become available, a number of domestic users do not have access to sufficient almonds to meet their current requirements. Some users have purchased substantial quantities of previously exported California almonds for return duty free to the United States. The purpose, therefore, of the proposed revision of the percentages is to make an additional quantity of 1972 crop California almonds available for disposition in domestic outlets.

The Board also gave consideration to the following revised estimates (kernel weight basis) for the crop year beginning July 1, 1972:

- (1) Production of 145 million pounds;
- (2) Trade demand for domestic almonds of 75 million pounds (which is based on a total demand of 75.2 million pounds less 200,000 pounds of imports for consumption);

(3) Handler carryover of 18.7 million pounds on July 1, 1972;

(4) Desirable handler carryover of 39.7 million pounds on June 30, 1973; and

(5) Trade demand and desirable handler carryover requirements for 1972 crop almonds of 96 million pounds (items 2 plus 4 minus 3).

The salable percentage is computed by dividing item (5) trade demand and desirable handler carryover, by item (1) production. The reserve percentage is equal to 100 percent minus the salable percentage. The percentages have been rounded to the nearest whole percent.

All persons who desire to file written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the hearing clerk, U.S. Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250, to be received not later than May 4, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during official hours of business (7 CFR 1.27(b)).

The proposal is to revise § 981.222 as follows:

§ 981.222 Salable, reserve, and export percentages for almonds during the crop year beginning July 1, 1972.

The salable, reserve, and export percentages during the crop year beginning July 1, 1972, shall be 66, 34, and 100 percent, respectively.

Dated April 12, 1973.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc. 73-7497 Filed 4-17-73; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 73-72P]

SHAWS COVE, CONN.

Proposed Drawbridge Operation Regulations

At the request of the Penn Central Transportation Co., the Coast Guard is considering revising the regulations for the Penn Central (New York, New Haven, and Hartford) railroad bridge across Shaws Cove, New London Harbor, Conn., to provide that at least 8 hours' notice be required from 5 p.m. to 8 a.m., Monday through Friday, from December 1 through March 31. The daily closed periods from 11 a.m. to 1:30 p.m. and 3:15 p.m. to 4:30 p.m. would be deleted because there is no present need for

them. This change is being considered because of reduced marine traffic during this period. Openings for emergencies are provided. Editorial revisions of this section are also proposed for clarity.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan), Third Coast Guard District, Governors Island, New York, N.Y. 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before May 18, 1973, with his recommendations to the chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that part 117 of title 33 of the Code of Federal Regulations, be amended by revising § 117.105 to read as follows:

§ 117.105 Shaws Cove, Conn.; Penn Central Railroad Bridge.

(a) From December 1 through March 31 the drawbridge owner or agency controlling the drawbridge shall operate the draw as follows:

(1) Monday through Friday, from 8 a.m. to 7 p.m. the draw shall open on signal.

(2) Monday through Friday, from 7 p.m. to 8 a.m. the draw shall open on signal if at least 8 hours' notice is given.

(3) Saturday and Sunday the draw shall open on signal at any time.

(b) From April 1 through November 30 the drawbridge owner or agency controlling the drawbridge shall operate the draw as follows:

(1) From 6 a.m. to 7 p.m. the draw shall open on signal.

(2) From 7 p.m. to 6 a.m. the draw shall open on signal if at least 1 hour's notice is given.

(c) The draw need not open on signal if a train is approaching so closely that it may not be safely stopped; however, a vessel shall not be delayed more than 10 minutes.

(d) When an emergency arises that may endanger life or property during the closed periods outlined in paragraphs (a) (2) and (b) (2) of this section, the draw shall open with the least possible delay after notification to take such action has

been given to the bridge owner or his authorized representative.

(e) Signals:

(1) The opening signal from the vessel is one long blast followed by one short blast.

(2) The acknowledging signal from the drawtender is one long blast followed by one short blast when the draw will be opened immediately or four short blasts when the draw cannot be opened immediately. A red flag or ball by day, and a red light at night shall be also conspicuously displayed when the draw cannot be opened.

(f) The owner of or agency controlling the bridge shall conspicuously post notices containing the substance of these regulations, both upstream and downstream, on the bridge or elsewhere in such a manner that they can easily be read at all times from an approaching vessel. This notice shall state who to contact to have the draw opened during periods when advance notice is required.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 49 U.S.C. 1655 (g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1 (c) (4).)

Dated April 6, 1973.

J. D. McCANN,
Captain, U.S. Coast Guard, Acting
Chief, Office of Marine
Environment and Systems.

[FR Doc.73-7457 Filed 4-17-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-EA-21]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of part 71 of the Federal Aviation Regulations so as to alter the Wrightstown, N.J., transition area (38 FR 603).

A revision of the VOR runway 28 instrument approach procedure for Trenton-Robbinsville Airport, Robbinsville, N.J., requires this alteration to provide additional controlled airspace protection for aircraft executing the revised instrument approach procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, eastern region, attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before May 18, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, eastern region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice

in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Wrightstown, N.J., proposes the airspace action hereinafter set forth:

1. (a) Amend § 71.181 of the Federal Aviation Regulations by amending the description of the Wrightstown, N.J., transition area by deleting the following: "within a 5-mile radius of Trenton-Robbinsville Airport (latitude 40°12'45" N., longitude 74°35'50" W.); within 2 miles north and 3 miles south of the Robbinsville VOR 278° and 098° radials extending from the Trenton-Robbinsville 5-mile-radius area to 8 miles east of the VOR" and by substituting the following in lieu thereof: "within a 5-mile radius of the Trenton-Robbinsville Airport (latitude 40°12'50" N., longitude 74°36'05" W.); within 6.5 miles north and 4.5 miles south of the 278° and 098° radials of the Robbinsville VORTAC, extending from 5.5 miles west to 11.5 miles east of the VORTAC."

(b) In the description of the Wrightstown, N.J., transition area, delete the following: "excluding the portion within the New York, N.Y., transition area."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on April 5, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-7429 Filed 4-17-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-EA-20]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of part 71 of the Federal Aviation Regulations so as to alter the Oneonta, N.Y., transition area (38 FR 548).

A review of the airspace requirements for the Oneonta Municipal Airport terminal area in consonance with terminal instrument procedures (TERP's) discloses that an alteration will be required of the 700-foot floor transition area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before May 18,

1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, eastern region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Oneonta, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of the Federal Aviation Regulations, by deleting the text of the Oneonta, N.Y., 700-foot floor transition area and substitute the following in lieu thereof:

ONEONTA, N.Y.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (42°31'25" N., 75°04'00" W.) of Oneonta Municipal Airport, Oneonta, N.Y., and within 2 miles each side of the Rockdale, N.Y. VORTAC 067° radial extending from the 7-mile-radius area to the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on April 5, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-7430 Filed 4-17-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SO-23]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to part 71 of the Federal Aviation Regulations that would alter the Statesville, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before May 18, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief,

Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, room 724, 3400 Whipple Street, East Point, Ga.

The Statesville transition area described in § 71.181 (38 FR 435) would be amended as follows:

"* * * within a 5-mile radius of Statesville Municipal Airport * * *" would be deleted and "* * * within a 7-mile radius of Statesville Municipal Airport * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for executive jet type aircraft departing Statesville Municipal Airport. The increase in the basic radius to seven miles also provides the required protection for IFR aircraft, utilizing the Statesville (private) nondirectional radio beacon, executing the proposed NDB runway 20 instrument approach procedure.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 5, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 73-7428 Filed 4-17-73; 8:45 am]

Federal Railroad Administration

[49 CFR Part 212]

[Docket No. RSSP-1, Notice 1]

STATE PARTICIPATION

Notice of Proposed Rulemaking

Notice is hereby given that the Federal Railroad Administrator (the "Administrator"), under the authority contained in sections 202 and 206 of the Federal Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 421 et seq.) (the "Act"), proposes to amend chapter II of subpart B of title 49 of the Code of Federal Regulations by adding a new part 212. The new part 212 establishes criteria which a State must meet in submitting an initial and annual certification to assist the Administrator in investigative and surveillance activities with regard to Federal safety rules, regulations, orders, and standards established by him under the Act. The new part 212 also provides for an agreement process for those States which are unable to qualify or do not elect to participate by certification. This part also prescribes additional requirements which must be met by those States carrying out investigative and surveillance activities in regard to the track safety standards (49 CFR part 213).

The purpose of the Act is to promote safety in all areas of railroad operations. Under this Act and pursuant to a delegation of authority from the Secretary of Transportation (49 CFR 1.49(n)), the Administrator may issue appropriate rules, regulations, orders, and standards for all areas of railroad safety as he deems necessary. Included in that Act is section 206 which provides for State participation in the carrying out of investigative and surveillance activities regarding Federal safety rules, regulations, orders, and standards established by the Administrator under the Act.

As provided in section 206, a qualified State agency may participate in investigative and surveillance activities by means of a certification. In order to determine whether a State agency is so qualified, however, the proposed part 212 would require the State agency to submit an initial certification with the Administrator. This initial certification sets out specific information, detailed in the proposed rule, which the Administrator reviews to determine whether the State agency meets the qualifications established by Congress for certification in the Act. After the Administrator has determined that the State agency is qualified, the agency may carry out investigative and surveillance activities prescribed by the Administrator respecting a particular Federal safety rule, regulation, order, or standard. It is important to note that the initial certification process must be followed for each Federal safety rule, regulation, order, and standard for which the State agency desires to carry out the investigative and surveillance activities of the Administrator by means of certification.

A State agency must also submit an annual certification. Included within this annual certification is an annual report. The annual report provides information necessary for the Administrator to evaluate the manner in which the State agency is carrying out its investigative and surveillance responsibilities. Under section 206, the Secretary determines the form of the annual report. Under the Act, the State agency is required to list in the annual report all accidents or incidents during the preceding 12 months that were reported by the railroads subject to that State's jurisdiction and involved personal injury requiring hospitalization, fatality, or property damage in excess of \$750, together with a summary of the State agency's investigation of the causes and circumstances of the accident or incident. The railroads, however, are presently required to report such accidents and incidents to the Federal Railroad Administration (FRA) in accordance with 49 CFR part 225. To avoid duplication, the proposed regulations would only require the State agency to report its investigation of those accidents or incidents which the Administrator assigns to the State agency for investigation. The annual report from the State would thus include a summary of the investigation by the State into the causes and circumstances of the accidents or incidents referred to that State

agency for investigation in the preceding 12 months.

A State which does not qualify or does not elect to participate by certification may enter into an agreement with the Administrator, in accordance with section 206 of the Act. Such an agreement may cover all or any part of the investigative and surveillance activities prescribed by the Administrator for the particular Federal safety rule, regulation, order, or standard issued by him. A State agency participating by agreement must also submit an annual report to the Administrator containing the same information required in the annual certification report. Additionally, upon the initial application for agreement the State agency must provide the Administrator with as much of the information requested for the initial certification as that State agency can provide. Such information is needed for the Administrator to determine the capabilities of the State agency to carry out investigative and surveillance activities prescribed by him.

It must be noted that any Federal safety rule, regulation, order, or standard established by the Administrator under the Act preempts any existing State law or regulation on the same subject, except as provided in section 205 of the Act. Further, the provisions of this proposed part apply only to Federal safety rule, regulation, order, or standard issued under the authority of the Act. Thus, a State agency would not be able to submit a certification or enter into an agreement regarding investigative and surveillance activities pursuant to other safety Acts such as the Safety Appliance and Power Brake Acts, and the Locomotive and Signal Inspection Acts. The Administrator also retains the authority to reject a certification or terminate an agreement, in whole or in part, should he determine that the State agency is not performing the investigative and surveillance activities as prescribed by him. The proposed rules establish the criteria which must be followed by the Administrator in reaching such a determination. Provisions are made for the publication in the FEDERAL REGISTER of each certification or agreement which is later rejected or terminated together with the reasons for the rejection or termination.

As provided by Congress, a certification or agreement does not relate to a new or amended Federal safety rule, regulation, order, or standard adopted after the effective date of the certification or agreement. The proposed new part provides that a State agency must submit a new certification or request a new agreement as provided in part 212 to carry out investigative and surveillance activities with respect to a new or amended Federal safety rule, regulation, order, or standard. If a State agency does not so submit a new certification or enter into a new agreement then its investigatory and surveillance activities under the prior certification or agreement will not apply to the new or amended Federal safety rule, regulation, order, or standard.

It is necessary to stress the fact that subpart B of the proposed regulations provides general requirements which must be followed each time a State agency submits a certification or enters into an agreement. As the Administrator promulgates additional Federal safety rules, regulations, orders, and standards, this part will be amended to provide additional requirements which a State must meet before it may participate in investigative and surveillance activities regarding those Federal safety rules, regulations, orders, or standards.

Subpart C prescribes additional requirements which must be met by a State agency submitting a certification or requesting an agreement to aid the Administrator in carrying out his investigative and surveillance activities with respect to the Federal track safety standards. This subpart sets out minimum numbers and qualifications for inspectors which must be met in order for a State agency to be qualified to carry out investigative and surveillance activities by means of an annual certification. The minimum number of qualified employees who may engage in track inspection in a particular State was determined upon the basis that one inspector cannot adequately inspect more than 2,200 miles of track in a year. Included in the track which an inspector is responsible for are all turnouts, grade crossings, track crossings, and related track appliances. Further, it was the determination of the FRA that any given point of track must be inspected once every 2 years. Thus, the minimum number of inspectors in a State is arrived at by dividing the total miles of track in that State, including siding, yard and storage track, industrial track, and all other track by 4,400. The minimum number of inspectors includes both employees who qualify as Track Inspector and employees who qualify as Junior Track Inspectors. However, at least one-half of the number of such employees must be Track Inspectors.

There is also provided a 3-year grace period for a State agency to meet the requirements as to the minimum number of inspectors. This 3-year period dates from the acceptance of the initial certification or from the granting of an agreement. The State agency must, however, either have hired, or agree to hire, at least one Track Inspector before the initial certification or agreement will be accepted.

The Administrator retains the authority to issue standards which govern both Federal and State Track Inspectors in their inspection of track. Thus, even though a State is participating by means of a certification or agreement, the actual method of inspection of the track to determine compliance with the track safety standards is carried out under the general supervision of the FRA. In addition to the requirements of subpart C, the FRA will issue guidelines for State inspection programs.

Subpart C further provides that a State agency must submit a violation re-

port in writing to the Administrator within 15 days of either the alleged violation or discovery of the alleged violation of the track safety standards. This reporting period allows the Administrator sufficient time to review the alleged violation and prescribe the appropriate penalty, as provided in section 209 of the Act.

PART 212—STATE PARTICIPATION

Subpart A—Applicability and Definitions

- Sec. 212.1 Purpose and scope.
- 212.2 Definitions.

Subpart—State Certification and Definitions

- 212.11 Scope.
- 212.12 Filing of certification or agreement.
- 212.13 Initial certification.
- 212.15 State participation by agreement.
- 212.17 Publication of certification and agreement.
- 212.19 Annual certification and report.
- 212.21 Penalties for violations.
- 212.23 Effect of noncompliance by the State agency.
- 212.25 Individuality of certification or agreement.
- 212.27 Monitoring by Administrator.
- 212.29 Effect of new rules on certification or agreement.
- 212.31 Waiver.
- 212.33 Notification of termination.

Subpart C—Track Safety Standards

- 212.51 Scope.
- 212.53 Number of inspectors.
- 212.55 Qualification for Track Inspectors.
- 212.57 Qualifications for Junior Track Inspectors.
- 212.59 FRA inspection of personnel files.
- 212.61 Notification of FRA of personnel action.
- 212.63 FRA directs activities.
- 212.65 Reporting of alleged violations.
- 212.67 Notification of waivers and exemptions.

AUTHORITY.—Sec. 206, 84 Stat. 972, 45 U.S.C. 435; and regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Subpart A—Applicability and Definitions

§ 212.1 Purpose and scope.

(a) This part contains the procedures by which a State agency may submit initial and annual certifications or enter into agreements to assist the Administrator in carrying out investigative and surveillance activities in regard to Federal safety rules, regulations, orders, and standards promulgated by him under the Federal Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 421 et seq.).

(b) In addition to these general requirements which must be met by the individual State agencies in each certification and agreement this part prescribes specific requirements for investigative and surveillance activities necessary to be conducted by State agencies to assist the Administrator in the enforcement of individual Federal safety rules, regulations, orders, and standards promulgated by him.

§ 212.2 Definitions.

As used in this part and in certification and agreement instruments entered into pursuant to this part:

(a) "Act" means the Federal Railroad Safety Act of 1970.

(b) "Administrator" means the Federal Railroad Administrator, or the Deputy Administrator, or any official of the Federal Railroad Administration (FRA) to whom the Administrator has delegated authority to enforce the Act.

(c) "State agency" means a State agency participating in investigative and surveillance activities through certification or agreement.

Subpart B—State Certification and Agreement

§ 212.11 Scope.

(a) This subpart prescribes the procedures to be followed by a State agency when submitting initial and annual certifications to the Administrator to carry out investigative and surveillance activities regarding Federal safety rules, regulations, orders, and standards established by the Administrator under the Act. Additionally, this subpart provides for agreements between the Administrator and State agencies to carry out all or any part of the above functions.

§ 212.12 Filing of certification or agreement.

Each State agency desiring to participate through certification or agreement in investigative and surveillance activities under the Act must submit to the Administrator a written certification or request for agreement, in triplicate, which contains to the extent available, the information listed in section 212.13.

§ 212.13 Initial certification.

(a) In submitting an initial certification, a State agency must:

(1) Demonstrate that it has the capability to conduct the investigative and surveillance activities prescribed by the Administrator as necessary for the enforcement of the rule, regulation, order, or standard for which the certification is submitted; and

(2) Have a sufficient number of qualified inspectors, as provided in this part, to conduct investigative and surveillance activities as prescribed by the Administrator, in connection with the enforcement of rules, regulations, orders, or standards issued under the Act.

(b) The initial certification must include a submission to the Administrator, in triplicate, containing:

(1) An opinion of the counsel for the agency stating that:

(i) The agency has jurisdiction over safety practices applicable to railroad facilities, equipment, rolling stock, and operations in that State;

(ii) The agency has the authority to conduct investigative and surveillance activities in connection with the rules, regulations, orders, and standards issued by the Administrator under the Act; and

(iii) State funds may be used for this purpose;

(2) A statement that the State agency has been furnished a copy of the Federal safety rule, regulation, order, or standard for which the initial certification is submitted;

(3) The names of all railroads operating in the State together with the number of miles of main and branch lines operated by each railroad in the State;

(4) The name, title, and telephone number of the person designated by the agency to coordinate the certification program;

(5) A description of the organization, programs, and functions of the agency with respect to railroad safety;

(6) Name and qualifications of each inspector of the agency to be assigned to perform investigative and surveillance activities with respect to the Federal safety rule, regulation, order, or standard for which the certification is submitted; and

(7) Compensation levels for railroad safety inspectors by type.

(c) The Administrator will review the submitted materials within 60 days from receipt of the initial certification to determine whether the State agency qualifies in accordance with the provisions of the Act and this section. The Administrator will notify the State agency of his finding.

§ 212.15 State participation by agreement.

In the event a State agency does not elect to be, or is not certified under this part, the Administrator may enter into an agreement with that agency. An agreement may authorize a State agency to provide all or any part of the investigative and surveillance activities prescribed by the Administrator with regard to any rule, regulation, order, or standard issued by him under the Act. A State agency makes an application for an agreement by submitting to the Administrator, in triplicate and to the extent possible, the information required by § 212.13.

§ 212.17 Publication of certification and agreement.

Notice of each certification and agreement will be published in the FEDERAL REGISTER. Each notice will state the effective date of the certification or agreement, and identify the Federal safety rule, regulation, order, or standard to which the certification or agreement applies.

§ 212.19 Annual certification and report.

(a) Each State agency participating by certification must submit in writing to the Administrator an annual certification stating any changes in the information previously submitted in accordance with the provisions of § 213.13 of this chapter. Additionally, the annual certification must include a report, in triplicate, showing:

(1) The name and address of each railroad subject to the safety jurisdiction of the State agency;

(2) A summary of the investigation of the State agency into the causes and circumstances surrounding each accident or incident referred to that State agency by the Administrator during the preceding 12 months for investigation.

(3) The record maintenance, reporting, and inspection practices conducted by the State agency to aid the Administrator in his enforcement of Federal safety rules, regulations, orders, and standards prescribed by him under the Act, including a detail of the number of inspections made of rail facilities, equipment, rolling stock, and operations to which the certification or agreement relates by the State agency during the preceding 12 months; and

(4) Such other information as the Administrator may prescribe in this part.

(b) Each State agency participating by agreement must submit an annual report, in triplicate, as provided containing the information required under paragraph (a).

(c) Annual reports must be submitted not later than February 15 of the year following the calendar year to which the certification or agreement relates. Within 30 days of receipt, the Administrator will approve the report or notify the appropriate State agency as to any defect in the annual report. Any defect must be corrected by the State agency within 30 days of receipt of notice of the defect from the Administrator.

§ 212.21 Penalties for violations.

The Administrator retains the exclusive authority to assess and compromise penalties and (except as otherwise provided by section 207 of the Act) to request injunctive relief for the violations of the safety rules, regulations, orders, and standards and to recommend appropriate action as provided by sections 209 and 210 of the Act.

§ 212.23 Effect of noncompliance by the State agency.

If the Administrator determines that the State agency is not satisfactorily complying with the investigative and surveillance activities prescribed by him with respect to Federal safety rules, regulations, orders, and standards, he may, on reasonable notice and after opportunity for hearing in accordance with the provisions of section 553 of title 5 of the United States Code (Administrative Procedure Act), reject the certification or terminate the agreement, in whole or in part, or take such other action as he deems appropriate. When such notice is given by the Administrator, the burden of proof shall be upon the State agency to show that it is satisfactorily complying with the investigative and surveillance activities prescribed by the Administrator with respect to such safety rules, regulations, orders, and standards. The

findings shall be published in the FEDERAL REGISTER, and become effective no sooner than 15 days after the date of publication.

§ 212.25 Individuality of certification or agreement.

Each submission for certification or request for agreement by a State agency is considered on an individual basis, taking into account the circumstances of each case. The Administrator determines the validity of each certification and prescribes the terms and conditions of each agreement.

§ 212.27 Monitoring by Administrator.

The Administrator monitors the investigative and surveillance activities of State agencies to the extent he deems necessary to insure the highest possible degree of effectiveness of the required programs.

§ 212.29 Effect of new rules on certification or agreement.

A certification or agreement entered into pursuant to this part does not apply with respect to new or amended Federal safety rules, regulations, orders, or standards issued under the act after the date of that certification or agreement. A State agency participating by certification or agreement must submit an appropriate certification or enter into an agreement as provided in this part before it may participate in any investigative and surveillance activities involving the new or amended Federal safety rule, regulation, order, or standard.

§ 212.31 Waiver.

The Administrator may, upon good cause shown, waive, in whole or in part, compliance with any rule, regulation, order, or standard established in this part.

§ 212.33 Notification of termination.

A State agency must submit in writing to the Administrator its notice of termination of a certification or agreement at least 30 days prior to the effective date of the termination.

Subpart C—Track Safety Standards

§ 212.51 Scope.

This subpart prescribes requirements for a State agency to carry out investigative and surveillance activities by certification or agreement with respect to the track safety standards (49 CFR part 213).

§ 212.53 Number of inspectors.

(a) Except as provided in paragraph (c) of this section, the minimum number of State agency employees qualified under this subpart to engage in track inspection for each State is as follows:

Minimum number of inspection requirement	State	Minimum number of inspection requirement	State
Alabama	2	Nevada	1
Arizona	1	New Hampshire	1
Arkansas	2	New Jersey	1
California	3	New Mexico	1
Colorado	2	New York	3
Connecticut	1	North Carolina	2
Delaware	1	North Dakota	2
Florida	2	Ohio	4
Georgia	2	Oklahoma	2
Idaho	1	Oregon	2
Illinois	5	Pennsylvania	4
Indiana	3	Rhode Island	1
Iowa	3	South Carolina	2
Kansas	3	South Dakota	2
Kentucky	2	Tennessee	2
Louisiana	2	Texas	5
Maine	1	Utah	1
Maryland	1	Vermont	1
Massachusetts	1	Virginia	2
Michigan	3	Washington	2
Minnesota	3	West Virginia	2
Mississippi	2	Wisconsin	2
Missouri	2	Wyoming	1
Montana	2		
Nebraska	2		

(b) The minimum number of State agency employees required by paragraph (a) must be Track Inspectors or Junior Track Inspectors as provided in §§ 213.55 and 212.57, respectively. At least one-half of the number must be Track Inspectors.

(c) A State agency may submit an initial certification or enter into an agreement under this part provided at least one Track Inspector has already been hired or will be hired not more than 30 days after the certification or agreement is found to comply with this part. After submitting the initial certification or agreement, a State agency must comply within 3 years with paragraph (a) of this section with respect to the minimum number of State agency employees engaging in track inspection in that State.

§ 212.55 Qualifications for Track Inspectors.

(a) A Track Inspector must meet the following minimum qualifications:

(1) Six years of recent experience showing that the applicant has engaged in progressively responsible work in track construction and maintenance;

(2) A comprehensive knowledge of track inspection, track maintenance methods, and track equipment;

(3) The ability to understand railroad maintenance standards and to detect deviations therefrom;

(4) The ability to direct the work necessary to achieve standard conditions;

(5) The ability to examine records and make inspections of track material, cross-level and gage and determine their adequacy for the prescribed maximum loadings and speeds in accordance with the provisions of the Federal Track Safety Standards;

(6) The ability to conduct investigations of railroad accidents referred to the State agency by the Federal Railroad Administration; and

(7) Be a full-time bona fide employee of the State.

(b) The Administrator determines whether a Track Inspector meets the minimum qualifications provided in this section.

§ 212.57 Qualifications for Junior Track Inspectors.

(a) A Junior Track Inspector must meet the following qualifications:

(1) Two years of recent experience in track construction and maintenance or a relevant educational background showing an ability for progressively responsible work;

(2) A basic knowledge of track inspection, track maintenance methods and track equipment;

(3) The ability to understand railroad maintenance standards and detect deviations therefrom; and

(4) Be a full-time bona fide employee of the State.

(b) A Junior Track Inspector must meet the qualifications of § 212.55 before he may be promoted by the State agency to the position of Track Inspector.

(c) The Administrator determines whether a Junior Track Inspector meets the minimum qualifications provided in this section.

§ 212.59 FRA inspection of personnel files.

A State agency participating under this part must maintain and make available to the Administrator or his designate the personnel file of each individual hired as a Track Inspector or Junior Track Inspector in order that the Administrator may determine that the State agency and its employees meet the requirements of this part.

§ 212.61 Notification of FRA of personnel action.

A State agency participating under this part must promptly notify the Administrator of the following personnel actions involving Track Inspectors or Junior Track Inspectors: Hiring, demotion, promotion, or termination. Except as provided in this subpart, the State retains exclusive rights regarding the acceptance of any individual as a Track Inspector or Junior Track Inspector.

§ 212.63 FRA directs activities.

All investigative and surveillance activities performed by a State agency under this subpart are conducted as prescribed by the Administrator. The investigative and surveillance policies and procedures adopted by him with respect to Federal Track Safety Inspectors apply to State inspectors.

§ 212.65 Reporting of alleged violations.

A State agency participating in investigative and surveillance activities in accordance with the provisions of this part must submit a written report to the Administrator at his office in Washington, D.C., and a copy of the report to the FRA Regional Director of each alleged violation of the track safety standards within 15 days of:

(a) The alleged violation, or

(b) Discovery of the alleged violation.

§ 212.67 Notification of waivers and exemptions.

The Administrator will notify a State agency participating under this subpart of each waiver or exemption of the track safety standards granted by him respecting track within that State before the effective date of such waiver or exemption.

Interested persons are invited to participate in the development of the criteria for State certification and agreement by submitting written data, views, or comments. Communications should identify the regulatory docket number and notice number and should be submitted in triplicate to the docket clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket No. RSSP-1, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before June 1, 1973, will be considered by the Federal Railroad Administrator before taking final action on the proposal. All comments received will be available for examination by interested persons at any time during regular working hours in room 5428, Nassif Building, 400 Seventh Street SW., Washington, D.C. The proposals contained in this notice may be changed in light of comments received.

JOHN W. INGRAM,
Administrator.

[FR Doc.73-7512 Filed 4-17-73;8:45 am]

[49 CFR Part 225]

[Docket No. RAR-1, Notice 1]

RAILROAD ACCIDENTS

Telegraphic Reports

The Federal Railroad Administration (FRA) is considering an amendment to § 225.1 of title 49 of the Code of Federal Regulations which requires rail carriers engaged in interstate or foreign commerce to telegraphically report certain accidents. The amendment would: (1) Provide that each accident which occurs during the course of an activity related to the operation of a railroad resulting in the death of a railroad employee must be reported by telegram to the FRA, (2) remove an ambiguity in the present rule concerning the telegraphic reporting of highway grade crossing accidents, where a person in a motor vehicle is killed or injured, (3) modify the present requirement for reporting accidents involving serious injuries, and (4) prescribe the contents of the telegraphic report required by § 225.1.

The amendment being proposed would alter the scope of the present requirement for telegraphic reports under § 225.1. The present requirement would be expanded, in the case of the death of a person employed by a carrier, to apply to accidents which occur during the course of any activity of the carrier which is related (however minimally) to the performance of its transportation business. In contrast to this, the existing rule only requires telegraphic reports of deaths resulting from

specific accidents, namely collisions or derailments involving a train, handcar, section motorcar, or other self-propelled car. During 1971, for instance, there were 118 employee deaths resulting from railroad activities which were not telegraphically reported to the FRA. By broadening the telegraphic reporting requirement under § 225.1 to cover accidents resulting in employee deaths which occur during the course of all rail transportation activities of a railroad, the FRA would be better able to identify areas in which future regulatory actions should be taken with respect to railroad safety.

At the same time, the amendment would narrow the requirement for a telegraphic report in the case of an accident resulting in a serious injury. Under the proposed amendment, only those accidents which occasion the hospitalization of five or more persons would have to be telegraphically reported to the FRA. This criterion for reporting accidents involving injuries would obviate the definition of "serious injury" in § 225.1(b) which requires a subjective determination by the person sending a telegram as to the sufficiency of an injury for reporting purposes. Replacing the present subjective test with the objective one being proposed would provide a more enforceable standard.

Another significant change being proposed is deletion of the requirement that a specified individual ("general manager, superintendent, or other proper officer") send the telegram. Rather, under the proposed amendment emphasis is placed on prompt notification of an accident in order that an FRA investigation can commence as soon as possible. Past experience has indicated that reporting delays may be attributable to the difficulty in relaying notice of an accident to the proper person to send a telegram. To remedy this situation, the amendment would permit any employee or representative of a carrier to report an accident.

It is important to note that in the case of highway grade crossing accidents it has been the practice of some carriers to limit the application of § 225.1 solely to accidents resulting in the death or serious injury of a person riding in a train or railcar. This limitation is not in keeping with the purpose for requiring telegraphic reports of railroad accidents. Consequently, the language in § 225.1(a) which has been interpreted as limiting the rule's application in the case of grade crossing accidents to accidents involving the death or injury of "any passenger, employee, or other person riding on the train * * *" has not been included in the amendment being proposed. Under the amendment, each collision or derailment involving a train, handcar, section motorcar, or other self-propelled railcar which results in the death of a person or the hospitalization of five or more persons, whoever the persons may be, would be reported by telegram to the FRA. Therefore, in the event of a highway grade crossing accident, the FRA would be immediately notified by telegram if a person who is

riding in a motor vehicle is killed or constitutes one of five persons hospitalized as a result of the accident.

In consideration of the foregoing, it is proposed to amend § 225.1 of title 49 of the Code of Federal Regulations to read as follows:

§ 225.1 Telegraphic reports of certain accidents.

(a) A common carrier engaged in interstate or foreign commerce by railroad shall report by telegram to the Office of Safety, Federal Railroad Administration, Seventh and D Streets SW., Washington, D.C. 20590, immediately after its occurrence—

(1) Each collision and each derailment on the railroad operated by the carrier involving a train, handcar, section motorcar, or other self-propelled at a highway grade crossing, which results in—

(i) The death of a person; or
(ii) The hospitalization of five or more persons; and

(2) Each accident, in addition to a collision or derailment reported under paragraph (a) (1) of this section, which results in the death of a person employed by the carrier and occurs during the course of an activity conducted by the carrier that is related to the performance of its transportation business.

(b) A report made under this section must state—

(1) The number of persons killed or hospitalized;

(2) The circumstances of the accident;
(3) The time, date, and location of the accident; and

(4) The name, title, and telephone number of the individual making the report.

Interested persons are invited to participate in making this amendment by submitting written data, views, or comments. Communications should identify the regulatory docket number and should be submitted in triplicate to the docket clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket No. RAR-1, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before June 15, 1973, will be considered by the Federal Railroad Administrator before making final action on the proposed amendment. All comments received will be available for examination by interested persons at any time during regular working hours in room 5428, Nassif Building, 400 Seventh Street SW., Washington, D.C. The proposals contained in this notice may be changed in light of comment received.

This notice is issued under the authority of sections 12 and 20, 24 Stat. 383, 386, as amended, 49 U.S.C. 12 and 20; sections 1-7, 36 Stat. 350, as amended, 45 U.S.C. 38-43; section 6 (e) and (f), 80 Stat. 939, 49 U.S.C. 1655 (e) and (f); and § 1.49(c) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49 (c).

Issued in Washington, D.C., on April 10, 1973.

JOHN W. INGRAM,
Administrator.

[FR Doc.73-7432 Filed 4-17-73; 8:45 am]

National Highway Traffic Safety
Administration

[49 CFR Part 571]

[Docket No. 73-10; Notice 1]

MOTOR VEHICLE SAFETY STANDARDS

Advance Notice of Proposed Standard on Rollover Resistance

This is an advance notice of a proposed motor vehicle safety standard on resistance to rollover. It is issued to gather information to be used in developing a standard, and to give notice to the interested public that work is in process in this area. No rule will be issued on this subject without further notice of proposed rulemaking and opportunity to comment.

The NHTSA is considering the issuance of a safety standard that would specify minimum performance requirements for the resistance of vehicles to rollover in simulations of extreme driving conditions encountered in attempting to avoid accidents. At this time the agency is primarily concerned with vehicle rollover tendencies on smooth, dry pavement. Test maneuvers might, for example, include step and sinusoidal steering inputs and momentary application and locking of the brakes while the vehicle is responding to a steering input. In order to meet the need for motor vehicle safety and the statutory requirements of objectivity, such a standard should minimize the variability of results attributable to driver skill and other human factors. It should also not force a degradation in other areas of vehicle handling, such as road holding on rough pavement.

The use of automatic controllers to apply predetermined control inputs to a test vehicle has been demonstrated to be technologically feasible. Further information is needed, however, to form the basis for regulatory decisions concerning their use. Information is specifically requested in the following areas:

The cost and practicability of tests using automatic controllers.

The possibility of using, and designs for, simplified controllers, or of using specified test-driver inputs with suitable constraints to insure repeatability.

The relationship of controller tests to actual driver behavior and capabilities.

The usefulness of smooth, dry pavement testing in determination of actual handling characteristics of vehicles in normal use.

Appropriate test inputs and conditions, and required levels of performance, which would result in the maximum discrimination among vehicles, with respect to rollover tendencies, that is consistent with test repeatability and accuracy.

The NHTSA recognizes that the design and condition of the tires and of the skid surfaces play a critical role in any test of vehicle handling. Comments are requested on the best methods of normalizing the tire-surface interface parameters in handling response tests, and reducing the effect of tire wear on test repeatability. Comments are also requested on methods of producing test surfaces with uniform skid numbers, and methods for

extrapolating test results on a given surface to a standardized surface.

An important general subject for comment is the costs and benefits associated with various types and levels of vehicle requirements, both in terms of testing expense and of vehicle design and production costs. Other subjects on which information is needed are the research planned or in progress in the private sector, suggested areas appropriate for federally sponsored research, the requirements that would be appropriate for multipurpose passenger vehicles, trucks, and buses, and the use of safety equipment such as outriggers in testing. Finally, the NHTSA seeks information on the effective dates, specifically the earliest feasible effective dates, by which compliance to performance requirements can be achieved.

Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted. All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date.—August 15, 1973.

(Sec. 103, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on April 9, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc. 73-7459 Filed 4-17-73; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 51]

PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Notice of Proposed Rulemaking

On August 14, 1971 (36 FR 15486), the Administrator of the Environmental Protection Agency promulgated as 42 CFR part 420 regulations for the preparation, adoption, and submittal of State implementation plans under section 110 of the Clean Air Act, as amended. Those regulations were republished Novem-

ber 25, 1971 (36 FR 22369), as 40 CFR part 51.

On March 8, 1973 (38 FR 6281), the Administrator issued an advance notice of proposed rulemaking that would amend those regulations. The amendments to 40 CFR part 51 are proposed herein and are designed primarily to extend the requirements for review prior to construction or modification of sources or causes of air pollution.

In 40 CFR 51.18, the original guidelines required States to have procedures for review of new stationary sources of air pollution to determine whether such new sources would interfere either with the attainment or maintenance of a national ambient air quality standard or with the control strategy of the State adopted in its implementation plan. Pursuant to 40 CFR 51.11(a)(4), States were also required to have the legal authority to prevent the construction or modification of such sources where they would interfere with the attainment or maintenance of the national standards.

As used in 40 CFR 51.18, the term "stationary sources" generally has been interpreted to mean facilities that affect or may affect air quality primarily because of their own air pollutant emissions. It is generally recognized, however, that not only the types of facilities commonly known as stationary sources but also facilities such as airports, amusement parks, highways, shopping centers, and sport complexes also affect or may affect air quality by indirect means, primarily by means of the mobile source activity associated with them. Such indirect effects on air quality may also have an impact on maintenance of the national ambient air quality standards. Accordingly, the proposal set forth below would require, with respect not only to "stationary sources," in the traditional sense, but also certain other types of facilities, an assessment of both direct and indirect effects on air quality prior to their construction and modification and a determination as to whether there would be interference with maintenance of any national standard. In the Administrator's judgment, this amplification of the requirements of 40 CFR 51.18 is a step necessary to insure the maintenance of the national ambient air quality standards, particularly for mobile source-related air pollutants, beyond 1975.

The Clean Air Act requires that the national ambient air quality standards be attained and maintained throughout each air quality control region. The purpose of the review and determination procedures required under 40 CFR 51.18 is primarily to insure that the national standards will not be violated in the vicinity of a major new facility. By avoiding local violations in this manner, it is anticipated that the need for periodic revisions of State implementation plans can be reduced or eliminated. In the absence of such procedures, implementation plan revisions affecting entire air quality control regions might be needed to eliminate localized violations

of the national standards. Furthermore, such reviews and determinations will take place before the fact, while an implementation plan revision would be undertaken after a violation is detected; solving problems before the fact is likely to be less disruptive than subsequent action.

It is recognized that, in many areas, local governmental agencies have the responsibility for final decisionmaking on applications for approval to construct or modify many types of facilities, buildings, structures, and installations. Providing for such decisionmaking at the local level is consistent with the Clean Air Act. Accordingly, the proposal set forth below would further revise 40 CFR 51.18 to reflect the Administrator's intent that the procedures required by § 51.18 may be carried out by local governmental agencies; such agencies could include, but would not be limited to, air pollution control agencies. States still will be required to have legal authority to prevent the construction, modification, or operation of facilities which, either directly or indirectly, would interfere with maintenance of a national standard.

It should be emphasized that the primary purpose of the review procedures is to insure that proposed projects are designed and located in a manner consistent with air quality requirements. If the proposed project would interfere with attainment or maintenance of a national standard, changes in the design of the project, including extension of existing mass transit, for example, should be considered. Only if the project cannot be made compatible with air quality requirements would it be necessary to prevent the construction of it.

The advance notice of proposed rulemaking published March 8, 1973 (38 FR 6281), listed several types of facilities which, because of adjunctive mobile source activity, may indirectly affect air quality and therefore were among the types of facilities for which new source review might be appropriate. The proposed amendments to 40 CFR 51.18 would not specify the types of facilities which must be subject to review and determination. A proposed appendix O to 40 CFR part 51 would provide guidance to State and local agencies in determining which will be covered.

The Administrator is aware that other Federal laws require an assessment of the air quality impact of some of the types of facilities which would be subject to the requirements of 40 CFR 51.18, if amended as proposed. For example, section 102(2)(C) of the National Environmental Policy Act and section 109(j) of the Federal-Aid Highway Act impose similar requirements with respect to certain types of facilities, notably highways and airports. To avoid duplication of data gathering and analysis, the Administrator urges responsible State or local governmental agencies to make use of such assessments, insofar as possible, in satisfying the procedural requirements set forth in 40 CFR 51.18. Such assessments do not, however, relieve the State

or local governmental agency responsible for approval/disapproval of construction or modification from fulfilling that responsibility in the same manner as it must for any other facilities.

Though not required by the proposed amendments to 40 CFR 51.18, greater State and local attention to the regional air quality impact of growth clearly would be desirable in the long run. State and local agencies are encouraged to initiate efforts to make a careful analysis of projected growth of population, industrial activity, and use of motor vehicles and estimate how such growth is likely to affect air quality. Such efforts are of particular importance in air quality control regions where transportation control programs already are required to insure attainment of the national standards for motor vehicle-related air pollutants.

Finally, the Environmental Protection Agency intends to reexamine existing State plan provisions for the review of new "stationary sources." The scope of these provisions varies from State to State and region to region. As a result of this review, EPA will, if necessary, suggest or require a widening of the scope of review, i.e., that it apply to additional types of sources in cases where present exemptions from review seem unwarranted.

The Agency is interested in soliciting specific comments concerning all of the issues raised by this proposal. The types of sources to be reviewed, the procedures for review, including the extent and manner of public participation in the process and the flexibility to be allowed to State and local governments in fulfilling this function, are of particular interest. Also of importance is any difficulty which States or local governments expect to experience in establishing the necessary procedures. These difficulties may include the problems of acquiring the legal authority necessary to comply with the requirements. Comments are also invited on any issues not specifically mentioned in this proposal, but which any interested party believes is relevant to its form or content.

These amendments are being proposed pursuant to an order of the United States Court of Appeals for the District of Columbia Circuit in the case of *Natural Resources Defense Council, Inc., et al. v. EPA*, case No. 72-1522, and seven related cases, which was entered on January 31, 1973, and modified on February 12, 1973. As required by that order, these regulations must be promulgated no later than June 11, 1973. Subsequent to such promulgation, States will be required to submit their plan revisions to comply with these new requirements no later than August 15, 1973. After such submission, the Environmental Protection Agency will have 2 months to review and approve or disapprove the revisions and an additional 2 months to propose and promulgate regulations to replace any disapproved State procedures.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency, Standards Implementation Branch, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711. All relevant comments received not later than May 8, 1973, will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for inspection at normal business hours at the Office of Public Affairs, 401 M Street SW., Washington, D.C. 20460. The changes proposed by this notice, with appropriate modification, will be effective on republication in the *FEDERAL REGISTER*. This notice of proposed rulemaking is issued under the authority of section 301(a) of the Clean Air Act (42 U.S.C. 1857 et seq.).

Dated April 13, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

Part 51 of chapter I, title 40, of the Code of Federal Regulations is proposed to be amended as follows:

1. In § 51.1, paragraph (j) is revised to read as follows:

§ 51.1 Definitions.

(j) "Local agency" means any air pollution control agency, other than the State agency, and any other local governmental agency, which is charged with the responsibility for carrying out a portion of a plan.

2. In § 51.11, paragraph (a) (4) is revised to read as follows:

§ 51.11 Legal authority.

(4) Prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which directly or indirectly results or may result in emissions of any air pollutant at any location which will prevent the attainment or maintenance of the national standard.

3. Section 51.18 is revised to read as follows:

§ 51.18 Review of new sources and modifications.

(a) Each plan shall set forth legally enforceable procedures which shall be adequate to enable the State or a local agency to determine whether the construction or modification of a facility, building, structure, or installation, or combination thereof, will result in violations of applicable portions of the control strategy or will interfere with attainment or maintenance of a national standard either directly, because of emissions from it, or indirectly, because of emissions resulting from mobile source activities associated with it.

(b) Such procedures shall include means by which the State or local agency responsible for final decision-making on an application for approval to construct or modify can prevent such construction or modification if it will result in a violation of applicable portions of the control strategy or will interfere with the attainment or maintenance of a national standard.

(c) Such procedures shall provide for the submission, by the owner or operator of the building, facility, structure, or installation to be constructed or modified, of such information on the nature and amounts of emissions to be emitted by it or emitted by associated mobile sources, location, design, construction, and operation of such facility, building, structure, or installation as may be necessary to permit the State or local agency to make the determination referred to in paragraph (a) of this section.

(d) Such procedures shall provide that approval of any construction or modification shall not affect the responsibility of the owner or operator to comply with applicable portions of the control strategy.

(e) Each plan shall identify the State or local agency which will be responsible for meeting the requirements of paragraphs (a) and (b) of this section in each area of the State.

(f) Such procedures shall identify types and sizes of facilities, buildings, structures or installations which will be subject to review pursuant to this section.

(g) (1) Such procedures shall provide that prior to approving or disapproving the construction or modification of a facility, building, structure, or installation pursuant to procedures required by paragraph (a) of this section, the State or local agency will provide opportunity for public comment on the information submitted by the owner or operator and on the agency's analysis of the effect of such construction or modification on ambient air quality, including the agency's proposed approval or disapproval.

(2) For purposes of subparagraph (1) of this paragraph, opportunity for public comment shall include, as a minimum, notice by prominent advertisement in the region affected. Such notice shall specify the availability for public inspection in at least one location in the region affected of the information submitted by the owner or operator and of the State or local agency's analysis of the effect on air quality, and shall provide for at least a 30-day period for submittal of public comment.

(3) A copy of the notice required by subparagraph (2) of this paragraph shall also be sent to the Administrator through the appropriate regional office.

(h) Suggestions for developing procedures to meet the requirements of paragraphs (a) and (b) of this section are set forth in appendix O.

4. In this part, appendix O is added as follows:

APPENDIX C

The following guidelines are intended to assist in the development of regulations and procedures to comply with the requirements of section 51.18.

1. With respect to facilities which would affect air quality primarily because of emissions arising from associated mobile source activity, review procedures should cover any facility which can reasonably be expected to cause or induce sufficient mobile source activity so that the resulting emissions might be expected to interfere with the attainment or maintenance of a national standard. The likelihood that there will be such interference will vary with local conditions, such as current air quality, meteorology, topography, and growth rates. For this reason, it is not desirable to establish definitive nationally applicable criteria as to the types or sizes of such facilities which should be reviewed. There are, however, certain types of facilities which generally should not be exempt from review procedures. Experience and estimating techniques have indicated that the air quality impact of certain types and sizes of sources is potentially significant regardless of their location. They include the types of highways and airports for which environmental impact statements are required under the National Environmental Policy Act; regional shopping centers, i.e., generally those with gross leasable area greater than 800,000 square feet; and sports complexes or stadiums expected to attract crowds of 25,000 or more people, who will be arriving or leaving within short time spans. The above examples are not meant to be exhaustive. Local conditions must be considered in determining which, if any, other types of facilities will be subject to new source review. Others which should be considered include drive-in theaters, parking facilities, and amusement park and other recreational facilities of size and potential impact comparable to those facilities mentioned above.

2. Frequently, a substantial amount of information will be needed to make the determinations required by § 51.18. In addition to general information on the nature, design, and size of a facility, data on its expected mode of operation also will be needed in order to estimate the types and amounts of air pollutant emissions likely to be associated with it. The operational data needed to make such estimates may include time periods of operation, anticipated numbers of employees and/or patrons, expected transportation routes and habits of employees and/or patrons, and so on.

Data on present air quality, topography, and meteorology also will be necessary.

In those cases where an environmental impact statement (EIS) has been or will be prepared under the National Environmental Policy Act or similar State or local laws, the EIS may well be an adequate basis for making the determinations required by § 51.18. Accordingly, agencies responsible for new source reviews are encouraged to make such use of EIS wherever possible in order to avoid needless duplication of information gathering and analysis. EIS should be useful particularly with respect to highways and airports. In addition, with respect to highways, agencies responsible for new source review pursuant to section 51.18 are encouraged to make use of data gathered and analyses performed pursuant to section 109(j) of the Federal-Aid Highway Act.

3. The use of available modeling techniques for approximating the effects of point, area, and line sources of air pollution is suggested. The following publications describe some of the available techniques:

- (1) Turner, D. B.; "Workbook of Atmospheric Dispersion Estimates," FHS No. 999-AP-26 (1969).
- (2) US EPA; "Compilation of Air Pollutant Emission Factors"; OAP No. AP-42 (Feb. 1972).
- (3) Briggs, G. A.; "Plume Rise"; TID-25075 (1969), Clearinghouse for Federal Scientific and Technical Information, Springfield, Va. 22151.
- (4) Mancuso, R. L. and Lugwig, F. L.; "Users Manual for the APRAC-1A Urban Diffusion Model Computer Program," "Stanford Research Institute Report" prepared for EPA under contract, CPA 3-68 (1-69) (Sept. 1972). Available at Clearinghouse for Federal Scientific and Technical Information, Springfield, Va. 22151.
- (5) Zimmermann, J. R. and Thompson, R. S.; "User's Guide for HIRVAY," paper under preparation, Met. Lab., EPA, RTP, N.C.
- (6) USGRA: "Proceedings of Symposium on Multi-Source Urban Diffusion Models," OAP Publication No. AP-86 (1970).
- (7) Air Quality Implementation Planning Program, Volume 1, Operators Manual, PB 198-299 (1970), Clearinghouse for Federal Scientific and Technical Information, Springfield, Va. 22151.
- (8) Hanna, S. R.; "Simple Methods of Calculating Dispersion from Urban Area Sources," paper presented at Conference on Air Pollution Meteorology, Raleigh, N.C. (Apr. 1971). Available at Clearinghouse for Federal Scientific and Technical Information, Springfield, Va. 22151.
- (9) ASME: "Recommended Guide for the Prediction of Dispersion of Airborne Effluents," United Engineering Center, 345 E. 47th St., N.Y., N.Y. 10017 (1968).
- (10) Slade, D. H. (editor): "Meteorology and Atomic Energy 1968," USAEC (1968).

[FR Doc.73-7509 Filed 4-17-73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 512]

[Docket No. 73-15]

NONVESSEL OPERATING COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADE

Proposed Requirements To File Annual and Certain Other Financial Reports

Pursuant to the authority of the Shipping Act, 1916, as amended (46 U.S.C. 801 et seq.), and section 4 of the Administrative Procedures Act as codified in 5 U.S.C. 553, notice is hereby given that the Federal Maritime Commission proposes to issue the following rules and regulations requiring all nonvessel operating common carriers by water engaged in the carriage of property in the domestic offshore trades to file annual and certain other financial reports with this Commission.

Therefore, pursuant to sections 18, 21, and 43 of the Shipping Act, 1916, as amended, and sections 2, 4, and 7 of the Intercoastal Shipping Act, 1933, as amended, part 512 of title 46, Code of Federal Regulations, is proposed to be amended by:

- (1) Changing the part title to read: "Financial Reports by Common Carriers by Water in the Domestic Offshore Trades"

(2) Designating the existing requirements as Subpart A—Vessel Operating Common Carriers: Reports of Rate Base and Income Account.

(3) Adding a new subpart B reading as follows:

SUBPART B—NONVESSEL OPERATING COMMON CARRIERS: BALANCE SHEET AND INCOME STATEMENT INCOME

Sec.	Purpose.
512.20	Purpose.
512.21	General requirements.
512.22	Certification.
512.23	Access to and audit of records.
512.24	Definitions.
512.25	Forms and reports.

AUTHORITY: The Shipping Act of 1916, 46 U.S.C. 801 et seq.; sec. 4 of the Administrative Procedures Act as Codified in 5 U.S.C. 553.

Subpart B—Nonvessel Operating Common Carriers: Balance Sheet and Income Statement Reports

§ 512.20 Purpose.

The purpose of the rules of this subpart is to require nonvessel operating common carriers by water (NVOCC's) in domestic offshore trades to file financial and operating data with this Commission. This data is required to fill the need of the Commission for information as to the financial condition and operating results of NVOCC's in order to discharge its duties more effectively under the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended.

§ 512.21 General requirements.

(a) All persons engaged in NVOCC operations in the common carriage of property in the domestic offshore trades (except persons engaged in intrastate operations in Alaska and Hawaii) and required by the Intercoastal Shipping Act, 1933, as amended, to file tariffs with the Federal Maritime Commission shall execute and file, in duplicate, with the Secretary of the Federal Maritime Commission, financial statements and supplementary data in the form prescribed in this subpart.

(b) Annual statements and supplementary data shall be filed within 90 days after the close of each fiscal year. The first report shall be filed within 90 days after the close of the first fiscal year ending after the date of promulgation of this regulation.

(c) Upon application the Commission may:

(1) Grant reasonable extensions of the time limit prescribed by this section for filing the statements and data required; *Provided, That:*

(i) The application therefor is received within a reasonable length of time (a minimum of 15 days) before the statements and data are due;

(ii) The application sets forth reasons which justify the extension requested;

(iii) The application sets forth a specific date on or before which the statements and data will be filed; and

(iv) The application is not construed as constituting relief from possible penalties for late filing unless granted.

(2) Relieve an NVOCC from full compliance with this subpart and require it to submit other data as this Commission deems necessary; *Provided, That:*

(i) The application shows good cause and is accompanied by a description of the data which the NVOCC proposes to submit in lieu of the required statements and is filed within a reasonable time, ordinarily considered to be a minimum of 60 days, before the statements are due; or

(ii) The Commission finds full compliance with this part is not necessary to its regulatory functions.

(d) When an NVOCC files a general rate change in any domestic offshore trade regulated by this Commission, it shall file concurrently therewith, in duplicate, financial and operating data as indicated in subparagraphs (1), (2), and (3) of this paragraph as well as the supplementary data required by § 512.25 (d). For the purposes of this paragraph, a general rate change is defined as any new or changed rate or rates which will increase or decrease gross revenues in the trade by 3 percent or more. Gross revenues for this purpose shall be for a 12-month period ending not more than 60 days prior to the date of filing the general rate change. The financial and operating data shall consist of:

(1) A balance sheet and supporting schedules in the format required by § 512.25 (b) as of the end of a month ending not more than 60 days prior to the filing of the general rate change. For the purpose of this paragraph adjusting and closing entries, where not available, shall be estimated on the basis of prior experience;

(2) An income statement and supporting schedules in the format required by § 512.25 (c) for a 12-month period ending not more than 60 days prior to the filing of the general rate change; and

(3) A projected income statement in the format required by § 512.25 (c) for a 12-month period commencing with the beginning of the month following the month in which the proposed rate change is to become effective. If an NVOCC files a general rate change within 90 days after the end of its financial year, it may, at its option, furnish its annual balance sheet and income statement (Exhibits A and B and supporting schedules) in lieu of the information set forth in subparagraphs (1) and (2) of this paragraph. The requirement to furnish the projected income statement would not be affected by this substitution. When a changed rate is filed which does not meet the criteria set forth in this paragraph, the following certification must be submitted with the changed rate.

CERTIFICATION

I, the undersigned _____
(type or print name and title of officer in charge of accounts)
of _____ certify that the
(full name of reporting company)
changed rate submitted herewith does not constitute a general rate change as defined

in 46 CFR 512.21 (d) and for that reason no financial and operating data as set forth in subparagraphs (1), (2), and (3) thereof are necessary.

Signature _____
Date _____

(e) Where it is necessary to separate revenues, expenses, and/or property as between the subject trade and other activities, direct assignment shall be made wherever possible. For those items not directly assignable, allocations shall be made on the basis of cubic feet of the various classes of cargo handled. The NVOCC may also present other material prepared by alternative methods of allocation, but such material will be in addition to, not in lieu of the required data. When such additional material is submitted, the methods used shall be explained and fully supported.

(f) All NVOCC's subject to the reporting requirements of this subpart must comply fully with the instructions contained herein both as to the submission of the specified reports and compliance with the methods prescribed for their preparation except as previously authorized under paragraph (c) of this section.

(g) The establishment of the rules and regulations prescribed in this subpart is without prejudice to the right of the Federal Maritime Commission to employ other basis for allocation and calculation in any instance where in its opinion the application of such rules and regulations does not produce reasonable results.

(h) All calculations required by allocations shall be carried to a minimum of two places beyond the decimal point; e.g., 95.54 percent.

(i) All schedules required under this subpart shall be accounted for on each submission by actual inclusion of the information required or inclusion of a schedule marked "None" or "Not Applicable," or by use of such notation(s), where appropriate, in a table of contents listing each exhibit and schedule by number and name. Supporting subschedules shall be so identified, shall refer to the schedule or schedules supported, and if one of a series shall so indicate. Principal schedules shall identify any supporting subschedule(s).

(j) If any conflicts appear between the wording of this subpart and any examples or pro forma statements furnished for use in conjunction with this subpart, the wording of this subpart shall be controlling.

(k) Where individual items included in the general categories described in the attached schedules as "other" or "other (identify)" exceed \$50,000 or 5 percent of reported gross revenues for the trade, whichever is less, those individual items and the amounts applicable thereto shall be specifically identified.

§ 512.22 Certification.

The data required by this subpart shall be accompanied by a certification of the corporate officer responsible for the maintenance and accuracy of the books, accounts, and financial records of the NVOCC that:

(a) The books and accounts have been maintained consonant with an appropriate system of accounts in accordance with generally accepted accounting principles; and

(b) The exhibits and schedules have been prepared from the books and records of the NVOCC in accordance with this subpart.

§ 512.23 Access to and audit of records.

All working papers (irrespective of by whom prepared) in support of all exhibits and schedules submitted, as well as the books and records of the carrier shall be made available upon request for examination by auditors representing the Federal Maritime Commission, and said auditors shall be permitted to make copies of such records, at the Commission's expense, to the extent they deem necessary. Notice of audits and the confidentiality of information obtained thereby shall be governed by the pertinent provisions of General Order 21 (46 CFR 513.3, 513.5, and 513.6).

§ 512.24 Definitions.

Various expressions, terms, and designations used herein may or may not have additional meanings or usage. For the purposes of this subpart, however, these terms are expressly limited as follows:

(a) "Line haul transportation".—All transportation of freight on land other than pickup and delivery and local terminal operations.

(b) "Pickup and delivery".—The service performed by an NVOCC, or its agent pursuant to its FMC tariff(s) for purposes of pickup and delivering cargo from or to a shipper's or consignee's place of business or other location designated by the shipper or consignee.

(c) "Domestic offshore trade (trade)".—Carriage of commercial cargo on an established domestic offshore route under the terms of a tariff or tariffs on file with and regulated by the Federal Maritime Commission. Domestic offshore routes are defined as (1) between any one of the four following areas of the continental United States and one non-contiguous area of the United States, or (2) between two noncontiguous areas of the United States. Where service is offered to or from two or more areas at the same rates (e.g., Atlantic coast to Puerto Rico and the Virgin Islands) and listed as such in a single tariff, the carriage of cargo to or from those two or more areas may be treated as one domestic offshore trade for the purposes of this subpart.

(i) The four areas of the continental United States are:

- (a) North Atlantic (Maine to Hatteras);
- (b) South Atlantic (Hatteras to Key West);
- (c) Gulf (Key West to and including Brownsville); and
- (d) West coast.

(ii) The noncontiguous areas of the United States are:

- (a) Alaska;
- (b) American Samoa;
- (c) Guam;
- (d) Hawaii;
- (e) Midway;

- (f) Puerto Rico;
- (g) U.S. Virgin Islands; and
- (h) Wake Island.

(d) *"Related companies"*.—Companies or persons that directly, or indirectly through one or more intermediaries, control or are controlled by, or are under common control with the accounting NVOCC. The term "Control" (in reference to a relationship between any person or persons and another person or persons) shall be construed to include actual as well as legal control whether maintained or exercised through or by reason of the method of or circumstances surrounding organization or operation through or by common directors, officers, or stockholders, a voting trust or trusts, a holding on investment company or companies, or through or by any other direct or indirect means and to include the power to exercise control.

§ 512.25 Forms and reports.

(a) *General*.—(1) The financial information required by this subpart shall be submitted in the form of the prescribed exhibits and schedules and shall consist of:

- Exhibit A, balance sheet and supporting schedules; and
- Exhibit B, income statement and supporting schedules.

A separate set of exhibits and schedules shall be filed for each domestic offshore trade as defined in § 512.24(c).

(2) Pro forma statements illustrating the required exhibits and schedules are appended to these rules and are described in paragraphs (b) and (c) of this section. It is to be understood that the pro forma statements are for illustrative purposes only; no blank forms for reporting will be provided.

(b) *Exhibit A—Balance sheet and supporting schedules*.—(1) The balance sheet shall be prepared from the NVOCC's books and records in accordance with generally accepted accounting principles, and shall be accompanied by appropriate footnotes; and

(2) Schedule A-1 shall set forth details of the company's property and equipment and assignment or allocation thereof to Federal Maritime Commission trade and to other operations.

(c) *Exhibit B—Statement of income and supporting schedules*.—(1) A statement of income and supporting schedules shall be prepared showing total operating results and the results of operation in the subject trade.

(2) *Operating revenue*.—Operating revenue shall include total revenues received by the company as well as the revenue from cargo carried in the trade and shall be stated separately as to ocean freight revenue and other revenue in the various categories set forth on Exhibit B. Where pickup and delivery services are identified as separately priced services in the trade tariff, the revenue earned therefrom shall be stated as a separate category. Other revenues shall include other terminal, trucking, documentation, and miscellaneous revenues received in connection with the handling of cargo.

(3) *Ocean transportation expenses—schedule B-1*.—This schedule shall set forth the amounts paid or owed to each underlying ocean carrier for ocean transportation purchased for the carriage of cargo in the trade along with the corresponding number of containers and cubic feet of cargo shipped. Total ocean transportation expenses of other operations shall be reported separately.

(4) *Line haul transportation expenses—schedule B-2*.—This schedule shall set forth the amounts paid or owed to motor carriers, railroads, or other land carriers for the line haul transportation of cargo in the trade and other operations together with the cubic feet of cargo carried.

(5) *Pickup and delivery expenses—schedule B-3*.—This schedule shall set forth in detail the expenses incurred in the pickup and delivery of cargo.

(6) *Terminal expenses—schedule B-4*.—This schedule shall set forth in detail all expenses incurred in terminal operations assigned or allocated to trade and other operations including the loading and unloading of containers, the switching and transfer of cargo within the terminal area, and any local trucking operations not otherwise covered in line haul or pickup and delivery (e.g., between the underlying carrier's terminal and the NVOCC's terminal).

(7) *Administrative and general expenses—schedule B-5*.—This schedule shall set forth all administrative and general expenses including advertising and miscellaneous taxes. Depreciation of equipment and amortization of leasehold improvements not assignable to pickup and delivery expenses or terminal expenses shall also be included in this schedule. Such expenses not susceptible to direct assignment shall be allocated to the trade on the basis of the relation that the operating expenses assigned and allocated to the trade bear to the total operating expenses of all operations as set forth on Exhibit B.

(8) *Other income/expenses—schedule B-6*.—Any other elements of income or expense shall be fully explained and supported by a schedule showing details of assignment or allocation to the trade and other operations.

(9) *Provisions for income taxes—schedule B-7*.—The provisions for Federal, State, and other income taxes shall be stated separately. If the company is organized outside of the United States (e.g., Puerto Rico), it shall indicate the entity to which it pays income taxes, the tax paid, and the rate of tax applicable to its taxable income for the subject year. The tax provisions to be included herein shall be the actual taxes paid or owed for the year in question. Where that amount is not obtainable at the time of filing this report, it shall be estimated with as much precision as possible and not merely computed at the highest statutory tax rate. Tax savings resulting from the investment credit shall be shown separately and added to the Federal tax provision.

(i) Allocation of tax liability to the trade, where necessary, shall be made on

the basis of the relationship between net income of the trade before taxes and total net income before taxes. Where circumstances exist which would make this type of allocation inequitable to either the trade or other operations (e.g., a large uninsured casualty loss in one aspect of operations), the circumstances should be explained and proper adjustments made to the allocated tax liability. In the absence of unusual circumstances, tax savings resulting from the filing of a consolidated return shall not be considered sufficient reason to adjust the allocated tax liability.

(10) *Extraordinary items*.—Income or losses of an extraordinary nature shall be described in an appropriate schedule and added to or subtracted from net income after taxes as shown on Exhibit B.

(11) *Profits or losses of related companies*.—Net income or net loss after income taxes achieved by related companies of the NVOCC in performing services for the NVOCC in the trade shall be added to or subtracted from the net income after taxes and extraordinary items of the NVOCC derived from the trade as shown on Exhibit B to produce net income derived from the trade.

(d) *Supplementary data*. The following information shall accompany each report required to be filed under this subpart:

(1) Exact name of respondent making this report.

(2) Type of organization; e.g., corporation, partnership, sole proprietorship, or other.

(3) Date and place of incorporation or organization.

(4) If formed as the result of a consolidation or merger during the year, name of all merged companies.

(5) If reorganized during the year, name of original company, and reasons for the reorganization.

(6) If any part of the trade activities were conducted during the subject year under a name or names other than that shown in response to inquiry No. 1, above; name or names so used and the reasons underlying the change.

(7) Description of the company's business activities.

(8) Names of all executive officers, directors, and/or partners showing title, salary, and other remuneration received during the year and percentage of ownership in the company.

(9) Name of company, if any, having control of the respondent's property at the close of the year.

(10) Name of each related company and the details of relationship.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 14, 1973, an original and 15 copies of their views or arguments pertaining to the proposed rule. All suggestions for changes should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements and arguments in support thereof.

EXHIBIT B

(NAME OF COMPANY)
(STATEMENT OF INCOME FOR THE YEAR ENDED)

Operating revenue	Total	FMO trade	Other operations
Freight revenue: Water Motor Rail Air Other revenue: Pickup and delivery Storage Other categories Less bad debt expense Total operating revenue			
Operating expenses: Ocean transportation expenses (schedule B-1) Line haul transportation expenses (schedule B-2) Pickup and delivery expenses (schedule B-3) Terminal expenses (schedule B-4) Total operating expenses Administrative and general expenses (schedule B-5) Total operating and administrative and general expenses GROSS PROFIT (loss) Other income and expenses (net) (schedule B-6) NET INCOME BEFORE INCOME TAXES Provision for income taxes (schedule B-7) NET INCOME BEFORE EXTRAORDINARY ITEMS AND PROFITS OF RELATED COMPANIES Extraordinary items (net) Profits of related companies (net) Net income			

Reference: 512.25(c).

(NAME OF COMPANY)
(NAME OF TRADE)

(OCEAN TRANSPORTATION EXPENSES FOR THE YEAR ENDED)

Ocean transportation expenses—FMC trade	Number of containers	Cubic feet of cargo	Amount
(Name of carrier)			
Other operations			

Reference: 512.25(c)(3)

Other assets: Deferred charges Prepaid expenses Total assets (NAME OF COMPANY) (BALANCE SHEET AS AT LIABILITIES AND CAPITAL Current liabilities: Notes payable within 1 year: Related companies Other Accounts payable: Trade Related companies Other Taxes: Federal State Other Other current liabilities Total current liabilities Long term debt (less current portion): Related companies Other Deferred Credits Net Worth: Capital stock (issued and outstanding): Common Preferred Surplus: Capital Earned Total liabilities and capital Reference: 512.25(b)(1)	(NAME OF COMPANY) (NAME OF TRADE) (PROPERTY AND EQUIPMENT) Cost Less accumulated depreciation Net Allocated to— FMO trade Other operations Land Building Terminal equipment Automobiles Trucks Trailers Containers Furniture and fixtures Other (EXHIBIT A) Reference: 512.25(b)(2)
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SCHEDULE A-1

(NAME OF COMPANY)

(NAME OF TRADE)

(PROPERTY AND EQUIPMENT)

Cost
Less accumulated depreciation
Net
Allocated to—
FMO trade
Other operations

Land Building Terminal equipment Automobiles Trucks Trailers Containers Furniture and fixtures Other			
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(EXHIBIT A)

Reference: 512.25(b)(2)

SCHEDULE B-5
(NAME OF COMPANY)
(NAME OF TRADE)
(ADMINISTRATIVE AND GENERAL EXPENSES FOR THE YEAR ENDED)

Administrative and general expenses	Total	FMO trade	Other operations
Salaries: Officers.....			
Employees.....			
Payroll taxes.....			
Pensions and relief.....			
Legal and accounting fees and expenses.....			
Rent, heat, light, and power.....			
Communications expenses.....			
Office supplies, stationery and printing.....			
Membership dues and subscriptions.....			
Entertainment.....			
Travel expenses.....			
Automobile expenses.....			
Insurance and bond premiums.....			
Postage.....			
Maintenance of office building and equipment.....			
Advertising.....			
Taxes—Miscellaneous.....			
Depreciation.....			
Amortization.....			
Interest.....			
Other—Identify.....			
Total			

Reference: 512.25(c)(7)
SCHEDULE B-6
(NAME OF COMPANY)
(NAME OF TRADE)
(OTHER INCOME/EXPENSES FOR THE YEAR ENDED ----)

Federal Regulations to Implement the provisions of section 412 of Public Law 92-540, enacted October 24, 1972. The proposed amendments concern the release of names and addresses of present or former personnel of the armed services and their dependents. Only nonprofit organizations may qualify and the information may be released to them only if directly connected with the conduct of programs and the utilization of benefits under title 38.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (232F), Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before May 18, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and until May 28, 1973. Any person visiting central office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only

Reference: 512.25(c) (9)
SCHEDULE B-7
(NAME OF COMPANY)
(NAME OF TRADE)
(PROVISIONS FOR INCOME TAXES FOR THE YEAR ENDED ----)

Reference: 512.25(c) (9)
[FR Doc. 73-7323 Filed 4-17-73; 9:45 am]

VETERANS ADMINISTRATION
[38 CFR Part 1]
NAMES AND ADDRESSES OF FORMER PERSONNEL
Proposal Regarding Release to Nonprofit Organizations

The Veterans Administration is considering amending § 1.500(a.) and revising § 1.510, title 38, of the Code of

SCHEDULE B-2
(NAME OF COMPANY)
(NAME OF TRADE)
(LINE HAUL TRANSPORTATION EXPENSES FOR THE YEAR ENDED)

Line haul transportation expenses—FMO trade	Cubic feet of cargo	Amount
Other Operations.....		
Reference: 512.25(c)(4)		
(NAME OF COMPANY) (NAME OF TRADE) (PICKUP AND DELIVERY EXPENSES FOR THE YEAR ENDED)		
Pickup and delivery expenses	Total	FMO trade Other operations

Salaries and wages.....
Payroll taxes.....
Pensions and welfare.....
Vacation wages.....
Maintenance and repairs.....
Drydocks purchased.....
Gasoline and oil.....
Equipment rental.....
Claims and damage.....
Insurance.....
Depreciation.....
Other—Identify.....
Total.....

Reference: 512.25(c)(6)
SCHEDULE B-4
(NAME OF COMPANY)
(NAME OF TRADE)
(TERMINAL EXPENSES FOR THE YEAR ENDED)

Terminal Expenses	Total	FMO trade	Other operations
Salaries and wages.....			
Payroll taxes.....			
Pensions and welfare.....			
Vacation wages.....			
Maintenance and repairs.....			
Gasoline and oil.....			
Terminal rental.....			
Equipment rental.....			
Claims and damage.....			
Insurance.....			
Depreciation.....			
Security.....			
Amortization.....			
Other—Identify.....			
Total.....			

Reference: 512.25(c)(6)

in central office and furnished the address and the above room number.

Notice is also given that it is proposed to make any amendments that are adopted effective on October 24, 1972, the date of enactment of Public Law 92-540.

It is proposed to amend part 1 of title 38 of the Code of Federal Regulations to read as follows:

1. In § 1.500, paragraphs (a) and (c) are amended to read as follows:

§ 1.500 General.

(a) -Files, records, reports, and other papers and documents pertaining to any claim filed with the Veterans Administration, whether pending or adjudicated, and the names and addresses of present or former personnel of the armed services, and their dependents, in the possession of the Veterans Administration, will be deemed confidential and privileged, and no disclosure therefrom will be made except in the circumstances and under the conditions set forth in §§ 1.501 through 1.526.

(c) Each department, staff office, and field station head will designate an employee(s) who will be responsible for initial action on (granting or denying) requests to inspect or obtain information from or copies of records under their jurisdiction and within the purview of §§ 1.501 through 1.526 unless the regulations in this part currently contain such designations. The request should be made to the office concerned (having jurisdiction of the record desired) or, if not known, to the Director or Veterans Assistance Officer in the nearest VA regional office or to the VA Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420. Personal contacts should normally be made during the regular duty hours of the office concerned, which are 8 a.m. to 4:30 p.m., Monday through Friday, for VA Central Office and most field stations. Any legal question arising in a field station concerning the release of information will be referred to the appropriate Chief Attorney for disposition as contemplated by § 13.401 of this chapter. In central office such legal questions will be referred to the General Counsel. Any administrative question will be referred through administrative channels to the

appropriate department or staff office head.

2. Section 1.519 is revised to read as follows:

§ 1.519 Lists of names and addresses.

(a) Any organization wanting a list of names and addresses of present or former personnel of the armed services and their dependents from the Veterans Administration must make written application to the Veterans Administration Controller, except lists of educationally disadvantaged veterans should be requested from the Director of the nearest regional office. The application must:

(1) Clearly identify the type or category of names and addresses sought;

(2) Furnish proof satisfactory to the Veterans Administration that the organization seeking the list is a "nonprofit organization." Normally, evidence establishing that the organization is exempt from taxation in accordance with the provisions of 26 U.S.C. 501 or is a governmental body or institution will be accepted as satisfying this criteria;

(3) Contain a statement clearly setting forth the purpose for which the list is sought, the programs and the resources the organization proposes to devote to this purpose, and establish how such purpose is "directly connected with the conduct of programs and the utilization of benefits" under Title 38, United States Code; and

(4) Contain a certification that the organization, and all members thereof who will have access to the list, are aware of the penalty provisions of 38 U.S.C. 3301(9) and will not use the list for any purpose other than that stated in the application.

(b) If the Director of the regional office concerned finds that the organization requesting the list of names and addresses of educationally disadvantaged veterans is a nonprofit organization and operates an approved program of special secondary, remedial, preparatory, or other educational or supplementary assistance to veterans as provided under Subchapter V, Chapter 34, Title 38, United States Code, then he may authorize the release of such names and addresses to the organization requesting them.

(c) The Veterans Administration Controller, with the concurrence of the General Counsel, is authorized to release lists of names and addresses to organizations which have applied for such lists in accordance with paragraph (a) of this section if he finds that the purpose for which the organization desires the names and addresses is directly connected with the conduct of programs and the utilization of benefits under Title 38, United States Code. Lists of names and addresses authorized to be released pursuant to this paragraph shall not duplicate lists released to other elements, segments, or chapters of the same organization.

(d) If the list requested is one that the Veterans Administration has previously compiled or created, in the same format, to carry out one or more of its basic program responsibilities and it is determined that it can be released, the list may be furnished without charge. For other types of lists, a charge will be made in accordance with the provisions of § 1.526.

(e) Upon denial of a request, the Veterans Administration Controller or Regional Office Director will inform the requester in writing of the denial and the reasons therefor and advise the organization that it may appeal the denial to the Administrator. In each instance of a denial of a request, the denial and the reasons therefor will be made a matter of record.

(f) Section 3301(9), Title 38, United States Code, provides that any organization, or any member thereof, which uses the names and addresses furnished it for any purpose other than one directly connected with the conduct of programs and the utilization of benefits under Title 38, United States Code, shall be fined not more than \$500 in the case of the first offense and not more than \$5,000 in the case of subsequent offenses. Any instance in which there is evidence of a violation of these penal provisions will be reported in accordance with § 14.560 of this chapter.

Approved April 12, 1973.

By direction of the Administrator.

[SEAL]

FRED B. RHODES,
Deputy Administrator.

[FR Doc. 73-7494 Filed 4-17-73; 8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

TREASURY DEPARTMENT

Bureau of Customs

[T.D. 73-105]

OPEN TOP STEEL TOTE BINS

Designation as Instruments of International Traffic

APRIL 11, 1973.

It has been established to the satisfaction of the Bureau of Customs that open-top power tote bins of steel construction with a capacity of 120 ft³, designed for travel by truck and used for the transportation of fertilizer, are substantial, suitable for and capable of repeated use, and will be used in significant numbers in international traffic.

Under the authority of § 10.41a(a) (1), Customs regulations (19 CFR 10.41a(a) (1)), I hereby designate the above-described steel tote bins as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These articles may be released under the procedures provided for in § 10.41a, Customs regulations.

[SEAL]

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.73-7448 Filed 4-17-73;8:45 am]

Office of the Secretary

STEEL WIRE ROPE FROM JAPAN

Amendment of Withholding of Appraisement Notice

A "Withholding of Appraisement Notice" was published in the FEDERAL REGISTER of March 9, 1973 (38 FR 6414, FR Doc. 73-4668), advising that there are reasonable grounds to believe or suspect that the purchase price or exporter's sales price, as applicable (sections 203 and 204 of the Antidumping Act, 1971, as amended: 19 U.S.C. 162 and 163) of steel wire rope from Japan is less, or likely to be less, than the foreign market value (section 205 of the Antidumping Act, 1921, as amended; 19 U.S.C. 164).

The "Statement of reasons" contained in that notice should have read and is hereby amended to read as follows:

Statement of reasons.—The information before the Bureau of Customs tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price or exporter's sales price and the adjusted home market price of such or similar merchandise.

Purchase price will probably be based on the f.o.b. Japanese port price with

deductions for inland freight and other shipping charges, as applicable.

Exporter's sales price will probably be calculated by deducting from the resale price of the related firm to the unrelated purchaser in the United States, bank charges, transportation charges in the United States and Japan, ocean freight and insurance, selling commission, and U.S. duty.

The home market price will probably be calculated on the basis of a weighted-average delivered price of such or similar merchandise with deductions for inland freight and other shipping charges, as applicable. Appropriate adjustments will probably be made for differences in packing and credit costs.

Using the above criteria, there are reasonable grounds to believe or suspect that the purchase price or exporter's sales price, as appropriate, will be lower than the home market price.

[SEAL]

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-7449 Filed 4-17-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

OTIS B. HOCKER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of January 28, 1973.

Dated January 19, 1973.

OTIS B. HOCKER.

[FR Doc.73-7421 Filed 4-17-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

DISTRIBUTORS' ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of section 10(a) (2) of Public Law 92-463, notice is hereby given of a meeting of the Distributors' Advisory Committee estab-

lished under Marketing Order No. 918 (7 CFR part 918). This order regulates the handling of fresh peaches grown in Georgia and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Committee will meet in the Dempsey Motor Hotel, Macon, Ga., at 1 p.m., local time, on April 26, 1973.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the Committee includes the receipt and review of market supply and demand information incidental to consideration of the need for regulation of shipments of fresh Georgia peaches by grade, size, or maturity.

Dated April 16, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-7579 Filed 4-17-73;8:45 am]

GRAIN INSPECTION

Change in Inspection Agency Name

Notice is hereby given that the Plainview Grain Exchange, Inc., which is designated under § 3(m) of the U.S. Grain Standards Act (sec. 3, 39 Stat. 482, as amended, 82 Stat. 762; 7 U.S.C. 75(m)) to operate an official inspection agency at Happy, Plainview, and Tulia, Tex., has changed its name to Plainview Grain Inspection and Weighing Service, Inc. The name change does not involve a change in management or ownership.

Done in Washington, D.C., on April 12, 1973.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.73-7446 Filed 4-17-73;8:45 am]

MILK IN BOSTON REGIONAL, ET AL.

Determination of Equivalent Prices in March 1973 for Chicago Grade AA (93 Score) and Grade A (92 Score) Butter, and New York Grade AA (93 Score) Butter

Correction

In FR Doc. 73-6840, appearing at page 9100 for the issue for Tuesday, April 10, 1973 in the 30th line from the top of the first column on page 9101, the date which now reads "March 1937" should read "March 1973".

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

[Docket No. B-563]

CARLO JOSEPH SINAGRA

Notice of Loan Application

APRIL 11, 1973.

Carlo Joseph Sinagra, 83 Leonard Street, Gloucester, Mass. 01930, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used steel vessel, about 72-feet in length, to engage in the fishery for herring, mackerel, shrimp, cod, haddock, hake, ocean perch, pollock, cusk, tuna, and swordfish.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, on or before May 18, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JOSEPH W. SLAVIN,
Acting Director.

[FR Doc.73-7461 Filed 4-17-73;8:45 am]

[Docket No. B-559]

MICHAEL J. STRONG

Notice of Loan Application

APRIL 11, 1973.

Michael J. Strong, Box 232, Matineus, Maine 04851, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new wood vessel, about 36-feet in length, to engage in the fishery for lobsters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, on or before May 18, 1973. If such evidence is received it will be evaluated along with such other evi-

dence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JOSEPH W. SLAVIN,
Acting Director.

[FR Doc.73-7460 Filed 4-17-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151, at the prices cited. Requests for copies of patent applications must include the patent application number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at \$0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.U.S. DEPARTMENT OF TRANSPORTATION, Patent
Counsel, 400 7th Street SW., Washington,
D.C. 20590.Patent application 230,702: noncontracting
Angular Position Detector; filed Mar.
1, 1972; PC \$3/MF \$0.95.Patent application 241,840: Anti-Reflective
Glass; filed Apr. 6, 1972; PC \$3/MF
\$0.95.Patent application 184,828: A Railroad
Crossing Signaling System; filed Sept.
29, 1972; PC \$3/MF \$0.95.Patent application 229,084: Focusing Pro-
tective Enclosure For Ultrasonic Trans-
ducer; filed Feb. 24, 1972; PC \$3/MF
\$0.95.NATIONAL AERONAUTICS AND SPACE ADMINIS-
TRATION, Assistant General Counsel for
Patent Matters, NASA—Code GP-2,
Washington, D.C. 20546.Patent application 326,364: Automatic In-
noculating Apparatus; filed Jan. 24, 1973;
PC \$3/MF \$0.95.Patent application 324,029: Technique For
Recovery of Voice Data From Heat Dam-
aged Magnetic Tape; filed Jan. 16, 1973;
PC \$3/MF \$0.95.Patent application 315,070: Binary Con-
catenated Coding System; filed Dec. 14,
1972; PC \$3.25/MF \$0.95.Patent application 315,048: An Apparatus
For Establishing Flow of Fluid Mass
Having A Known Velocity; filed Dec. 14,
1972; PC \$3.25/MF \$0.95.Patent application 325,784: Reconstituted
Asbestos Matrix; filed Jan. 22, 1973; PC
\$3/MF \$0.95.Patent application 370,419: Self-Cycling
Fluid Heater; filed Nov. 6, 1970, patented
Jan. 2, 1973; not available NTIS.

[FR Doc.73-7349 Filed 4-17-73;8:45 am]

Office of Import Programs

HASKINS LABORATORIES

Notice of Decision on Application for Duty-
Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00265-90-74700. Applicant: Haskins Laboratories, 270 Crown Street, New Haven, Conn. 06510. Article: One OVE IIIc 21001 speech synthesizer including circuit manual, cable set. Manufacturer: AB Fonema, Sweden. Intended use of article: The article is intended to be used in several aspects of a broad research program on the perception and production of speech. The objectives of this research are to produce synthetic speech of high quality in sufficient quantities to allow a realistic evaluation of synthesis as a solution to the problem of reading machines for the blind; to prepare carefully controlled synthetic speech recordings for use in psychological experiments on both the properties of speech that facilitate its perception, and on the neuromechanisms by which perception operates; to evaluate models of the articulatory process by generating synthetic speech computed for such models for perceptual evaluation; and to conduct other comparable research on the basic nature of speech communication.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The applicant's use in the development of an audio reading machine for the blind and speech related psychological experiments requires the compatibility with an existing computer and flexibility provided by the analog-digital combination for resonator control. The foreign article provides these capabilities. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated March 22, 1973, that the capabilities of the article described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that the most closely comparable domestic instrument, manufactured by the Rockland Co., does not provide compatibility with the existing computer and an analog resonator control.

For this reason we find that the speech synthesizer manufactured by the Rockland Co. is not of equivalent scientific

value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-7439 Filed 4-17-73; 8:45 am]

IOWA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the office of import programs, Department of Commerce, Washington, D.C.

Docket No. 73-00109-65-42000. Applicant: Iowa State University, Ames Laboratory, Ames, Iowa 50010. Article: Interference flatness tester model 64-34-01. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to measure flatness of alkali halide crystals prior to use in diffusion experiments.

Comments: No comments have been received with respect to this application. Decision: Application denied. An instrument of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (June 17, 1971). Reasons: This application is a resubmission of docket No. 72-00079-65-42000 which was denied without prejudice to resubmission on June 27, 1972, for informational deficiencies. The applicant alleges that a noncontacting interference flatness tester with a field of at least one-half inch diameter, which is provided by the foreign article, is pertinent to his purposes within the meaning of section 701.2(n) of the regulations and was not available from a domestic manufacturer. The most closely comparable domestic instrument available at the time the foreign article was ordered is the model D-319, flatness tester manufactured by Davidson Optronic, Inc., West Covina, Calif. The National Bureau of Standards (NBS) advised in its memorandum dated January 10, 1973, that the domestic model D-319 manufactured by Davidson Optronic, Inc., provides the capability for a noncontacting interference flatness tester with a field of view of a 1-inch diameter and accordingly is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

For the foregoing reasons, we find that a domestic instrument of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.
[FR Doc.73-7438 Filed 4-17-73; 8:45 am]

MT. SINAI SCHOOL OF MEDICINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the office of import programs, Department of Commerce, Washington, D.C.

Docket No. 73-00288-33-46500. Applicant: Mount Sinai School of Medicine of the city university of New York, Fifth Avenue and 100th Street, New York, N.Y. 10029. Article: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrastructural investigations on the structure of normal and pathologic organs of corti from animal and human autopic material. Additional research projects also will use this instrument in the preparation of specimens of human cancers from larynx, nasal septa and other pertinent areas. The article will also be used for introduction of research techniques and evaluation of experiments to resident physicians in otolaryngology. Application received by Commissioner of Customs: December 18, 1972. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with prior case (docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are

(among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultra-thin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The most closely comparable domestic instrument is the model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of March 30, 1973, that cutting speeds in the excess of 4mm/sec. are pertinent to the applicant's research studies.

We therefore, find that the model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-7441 Filed 4-17-73; 8:45 am]

NEW YORK LEAGUE FOR THE HARD OF HEARING ET AL

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before May 8, 1973.

Amended regulations issued under cited act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00440-99-03400. Applicant: New York League for the Hard of Hearing, 71 West 23rd Street, New York, N.Y. 10010. Article: Three Suvag I (Auditory trainers) and One Suvag II (Auditory trainer). Manufacturer: SEDI, France. Intended use of article: The article is intended to be used in a research project involving the aural health care and educational training of hearing impaired people. Application received by Commissioner of Customs: March 5, 1973.

Docket No. 73-00441-99-03400. Applicant: New York League for the Hard of Hearing, 71 West 23rd Street, New York, N.Y. 10010. Article: Seven Suvag Vibar, Model 73, 16 OHMS with holders and three extra holders. Manufacturer: SEDI, France. Intended use of article: The article is intended to be used in a research project involving the aural health care and educational training of hearing impaired people. Application received by Commissioner of Customs: March 5, 1973.

Docket No. 73-00442-99-46040. Applicant: Montefiore Hospital & Medical Center, 11 East 210th Street, Bronx, N.Y. 10467. Article: Electron microscope, model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for teaching purposes in a basic science course in the department of ophthalmology, ocular tissues, primarily retina, but including lens, cornea, ciliary body, and all other ophthalmic structures will be studied. Individual ophthalmology residents are taught ocular pathology by examination of material in the department's files, discussion with the ocular pathologist, and reading of ophthalmological literature, much of which is based on electron microscopy. Application received by Commissioner of Customs: March 23, 1973.

Docket No. 73-00443-75-82600. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, N. Mex. 87544. Article: Thermovision, System, Model 680. Manufacturer: AGA, AB, Sweden. Intended use of article: The article is intended to be used to measure the distribution of the infrared radiation from released chemicals (chemical ferrocene and other compounds) and the intensity of the radiation. The objective of the experiments being conducted is to obtain data related to infrared emission from iron oxide molecules formed by chemical reaction between ferrocene and ambient ozone. Application received by Commissioner of Customs: March 20, 1973.

Docket No. 73-00444-98-31060. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, N. Mex. 87544. Article: Frequency synthesizer. Manufacturer: Schlumberger Over Seas Messgeratebau Und Vertrieb, West Germany. Intended

use of article: The article is intended to be used as a vital instrument for use in an electron linac experiment. This electron accelerator experiment is a study of the potential capabilities of the biperiodic accelerating structures such as the side-coupled standing wave structures perfected for LAMPF. Specifically the experiment consists of a study of the initial stages of high current electron acceleration in pulses of 3 μ s duration. Areas of investigation include RF power transmission, beam blow up, and beam loading. The article will be used in the following phases of accelerator construction, testing, and operation:

1. Tuning of the accelerator structures to the desired resonant frequency.
2. Measurement of the coupling between the waveguide and the accelerating tank.
3. Investigation and suppression of undesired higher frequency modes of oscillation which would be detrimental to proper acceleration operation.

4. Standard frequency source for the high power (20 MW peak power, 30 kW average power) radio frequency amplifier which supplies the accelerating power. Application received by Commissioner of Customs: March 20, 1973.

Docket No. 73-00445-01-77040. Applicant: Rutgers University, The State University of New Jersey, Department of Chemistry, 40 Rector Street, Newark, N.J. 07102. Article: Mass Spectrometer; Model MS-30. Manufacturer: AEI Scientific Apparatus, United Kingdom. Intended use of article: The article is intended to be used for structure proof of various steroids, triterpenes, and other materials obtained from natural products. It is essential in this work that an empirical formula as well as the composition of various breakdown ions be determined in extremely small samples by mass spectrometry by use of GC-MS combination. The article is also to be a general purpose mass spectrometer for a variety of low resolution requirements such as to qualitatively identify reactions products, to investigate mechanisms of high energy reactions, and to identify labelled material. Application received by Commissioner of Customs: March 23, 1973.

Docket No. 73-00446-00-17500. Applicant: University of Washington, C.R. Physical Project, Department of Oceanography WB-10, Seattle, Wash. 98195. Article: Tape reader No. 2103 and accessories. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used to provide the necessary translation of digital tapes produced by Aanderaa Recording Current Meter to computer compatible digital tapes for further data processing. The equipment will also be used by graduate students in the process of collecting data for their research programs. Application received by Commissioner of Customs: March 1, 1973.

Docket No. 73-00448-60-02300. Applicant: University of Nebraska North Platte Station, Route No. 4, Box 429, North Platte, Nebr. 69101. Article: Electronic individual animal feeder. Manu-

facturer: Calan Electronics Ltd., United Kingdom. Intended use of article: The article is intended to be used to study the effect of supplementing energy to yearling cattle grazing pasture and measurement of the ad libitum intake of supplement consumed by individual animals. Application received by Commissioner of Customs: March 26, 1973.

Docket No. 73-00449-92-46070. Applicant: The Ohio State University, Department of Entomology, 190 North Oval Drive, Columbus, Ohio 43210. Article: Scanning electron microscope, model MSM-2. Manufacturer: Akashi-Selsakusho Ltd., Japan. Intended use of article: The article is intended to be used for studies of the changes in the fine structure of exposed surfaces of Acari and other arthropods of medical importance as they are related to developmental times and environmental variables. The article will also be used to train research scientists in the use of the scope and the pictures of the fine structure of exposed surfaces will be used to teach research scientists about the biological variability of the Acari and the effects of developmental and environmental modifications on this variability. Application received by Commission of Customs: March 26, 1973.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc. 73-7437 Filed 4-17-73; 8:45 am]

PRESBYTERIAN HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00273-33-46040. Applicant: Presbyterian Hospital, 622 West 168th Street, New York, N.Y. 10032. Article: Electron microscope, elmiskop 1A and accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used in research on the structure of normal and developing ocular tissues and of the pathology of the eye. Specific projects include:

- (a) Determining how the neurons of the retina connect with each other,
- (b) Studies of the developing retina particularly aimed at those cells containing neurofibrils and neurotubules, and
- (c) Study of birth defects of the eye and the differentiation of the blood vessels of the choroid.

The article will also be used in the training program for residents in Ophthalmology.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the model EMU-4C electron microscope manufactured by the Forgrlo Corp. The model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 22, 1973, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-7440 Filed 4-17-73; 8:45 am]

UNIVERSITY OF MICHIGAN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00527-01-77030. Applicant: University of Michigan, Ann Arbor, Mich. 48104. Article: NMR spectrometer, model JNM-PS/PFT 100. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in studies which include:

(1) Chemical and structural analyses of organic and inorganic compounds by means of ^1H and ^{13}C magnetic resonance.

(2) Structural and dynamical studies of natural products and biologically interesting molecules.

(3) Observation of the ^{201}Tl and ^{113}Sn resonances in physical and dynamical studies on electrolyte solutions, as well as in structural studies of organometallic compounds.

The article is also intended to be used to train students to use the instrument

in C.W. and F.T. mode. Students will operate the instrument routinely in the course of dissertation and predoctoral research. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (Jan. 3, 1972). Reasons: The foreign article provides a ^1C 90° pulse width of 20 microseconds. At the time the foreign article was ordered the most closely comparable domestic instrument, the model XL-100 NMR spectrometer manufactured by Varian Associates (Varian) provided pulse widths of 140 microseconds or longer. We are advised by the National Bureau of Standards (NBS) in its memorandum dated March 6, 1973, that the narrow pulse width specification of the foreign article is pertinent to the applicant's research studies including: (a) Structural analysis of compounds containing ^1H and ^{13}C by means of partially relaxed Fourier-transform spectra; and (b) physical and dynamical studies of solids and polymers by means of the temperature dependence of the relaxation times T_1 and T_2 , and by broadband studies. NBS further advises that the Varian XL-10 did not provide the pertinent short pulse capability at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-7443 Filed 4-17-73; 8:45 am]

UNIVERSITY OF NORTH CAROLINA, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before May 8, 1973.

Amended regulations issued under cited act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary

Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00363-33-90000. Applicant: University of North Carolina, School of Medicine, Chapel Hill, N.C. 27514. Article: Rotating-Anode X-ray generator, GX6. Manufacturer: Elliott Automation Radar Systems, Ltd., United Kingdom. Intended use of article: The article is intended to be used for investigations of the molecular structure of the myelin sheaths of nerves. In addition the article is intended to be used for demonstrations or training of students in connection with courses in "Resolution of Biological Structure" and in "Structural Molecular Biology," as well as for the dissertation or thesis research of graduate students. Application received by Commissioner of Customs: February 1, 1973.

Docket No. 73-00424-00-66700. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Spare parts for prevoxt projector consisting of 18 condenser lenses and 18 flat pieces. Manufacturer: Officine Prevost, Italy. Intended use of article: The articles are spare parts to an existing prevoxt projector used in conjunction with AEC basic research for scanning and measuring spark chamber and bubble chamber film. Application received by Commissioner of Customs: March 9, 1973.

Docket No. 73-00432-65-46200. Applicant: University of Cincinnati, Department of Materials Science and Met. Engineering, 498 Rhodes Hall, Cincinnati, Ohio 45211. Article: Megapact laboratory vibration mill. Manufacturer: Pilamec, United Kingdom. Intended use of article: The article is intended to be used for the grinding of stainless steel and corrosion resistant alloys to produce metal powders in the form of coating slurries, which will be investigated for particle size distribution, particle morphology and impurity. Graduate research will involve development of a prosthetic device to facilitate repair of damaged or severed nerves. Application received by Commissioner of Customs: March 21, 1973.

Docket No. 73-00439-00-20900. Applicant: University of California, Lawrence Livermore Laboratory, P.O. Box 808, Livermore, Calif. 94550. Article: Hydrogen Thyatron Tubes, Model FX2508, 200 each. Manufacturer: English Electric Valve Co. Ltd., United Kingdom. Intended use of article: The article is intended to be used in modulators which switch energy from storage banks to a linear accelerator in a program concerned with the development of a controlled fusion power system. Application received by Commissioner of Customs: March 21, 1973, Docket No. 73-00447-33-90000. Applicant: Rush-Presbyterian-St. Luke's Medical Center, Diagnostic Radiology, 1753 West Congress Parkway, Chicago, Ill. 60612. Article: Computerized axial transverse tomography equipment (EMI scanner system). Manufacturer: EMI Ltd., United Kingdom. Intended use of article: The article is intended to be

used to study patients with head injury, dizziness and headache and compare these studies with other known tests to determine if the article will detect these diseases earlier or more accurately. Its use in determining conditions, leading to stroke before the paralysis occurs will be investigated. The article's reliability in previously unstudied diseases, such as multiple-sclerosis, will be tested where the diagnosis is difficult by other ordinary methods. In addition the article is to be used to train registered technicians and student technicians in its operation. Interpretation of the images obtained by the article will be taught to residents in radiology, neurology, and neurosurgery as well as interns and medical students at the university. Application received by Commissioner of Customs: March 12, 1973.

Docket No. 73-00503-01-59800. Applicant: Ripon College, Ripon, Wis. 54971. Article: Flash photolysis apparatus, model DS-1. Manufacturer: Applied Photophysics Ltd., United Kingdom. Intended use of article: The article is intended to be used in the course Chemistry 212—Reaction kinetics and the mechanisms of reactions, reaction rates and laws, for laboratory use in demonstration of modern methods for reaction rate determination—primarily organic reactions. Application received by Commissioner of Customs: March 1, 1973.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-7436 Filed 4-17-73; 8:45 am]

YALE UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00289-33-46040. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Conn. 06520. Article: Electron microscope, model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for research concerning the fine structure and fine-structural cytochemistry of melanocytes. Studies are directed toward understanding the conditions that influence growth, melanin synthesis, and transfer under physiologic, pathologic, and pharmacologic

(therapeutic) conditions. Primary interest centers on the biology of melanoma cells and of melanocytes from individuals suffering from vitiligo. Aside from teaching electron microscopy to interested medical students (a research thesis is required for graduation) and residents in dermatology, the article will be used in the following medical school-graduate school courses:

- (a) Anatomy 106a: Principles and methods in electron microscopy.
- (b) Anatomy 108 a&b: Applications of cytochemistry to electron microscopy.
- (c) Anatomy 102a: Cell biology.
- (d) Anatomy 119a: Techniques in developmental biology.

Application received by Commissioner of Customs: December 19, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 30, 1973.

Docket No. 73-00304-99-46040. Applicant: Wilson College, Chambersburg, Pa. 17201. Article: Electron microscope, model EM-9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the following Biology courses:

Biology 317: Basic techniques of electron microscopes—to acquaint the student with a modern technique utilized in virtually every discipline of biological investigation.

Biology 350: Independent study—to meet the individual needs of the advanced student.

Biology 359, 360: Senior advanced study and research—to provide an opportunity for a senior to engage in independent advanced study and research in a specific phase of her major field.

In addition the article will be used for the following research projects:

1. Reversibility of cellular differentiation in two genera of frogs would be investigated.

2. The ultrastructure of differentiating cells and of fertilized eggs would be examined.

3. The ultrastructure of differentiated cells and of fertilized eggs after exposure to ultraviolet light would be described and compared to that of unirradiated cells.

Application received by Commissioner of Customs: December 21, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 30, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. Each of the foreign articles to which the foregoing applications relate is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the model EMU-4C

electron microscope which is a relatively complex instrument designed primarily for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its respectively cited memoranda, that the relative simplicity of design and ease of operation of the foreign articles described above are pertinent to the applicants' educational purposes. We, therefore, find that the Forgi model EMU-4C electron microscope is not of equivalent scientific value to any of the foreign articles described above for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-7442 Filed 4-17-73; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the following public advisory committee meeting and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
Obstetrics and Gynecology Advisory Committee.	Apr. 27, 9 a.m., conference room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Victor Berliner, Ph.D., room 14B-01, 5600 Fishers Lane, Rockville, Md. 20852, 301-413-3190.

Purpose.—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the practice of obstetrics and gynecology.

Agenda.—Discussion of significance of recent information on teratological potential of certain steroidal contraceptives, breast changes—new methods of detection.

Agenda items are subject to change as priorities dictate.

During the open session shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the

committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.
Dated April 12, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-7418 Filed 4-17-73;8:45 am]

National Institutes of Health
CLINICAL CANCER TRAINING COMMITTEE
(GENERAL AND DENTAL)

Notice of Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Clinical Cancer Training Committee (General and Dental), April 19, 1973, announced in notice of meeting published March 29, 1973.

Dated April 16, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-7596 Filed 4-17-73;10:22 am]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Establishment of Additional Regional Offices for Bureau of Hearings and Appeals

Notice is hereby given of approval for the establishment of three additional regional offices for the Bureau of Hearings and Appeals, Social Security Administration. These offices are to be located in Boston, Mass.; Denver, Colo.; and Seattle, Wash. The establishment of these offices completes a Bureau of Hearings and Appeals network that is coterminous with the DHEW and SSA regional boundaries. Such approval is effective as of April 18, 1973.

Dated April 12, 1973.

S. H. CLARKE,
Acting Assistant Secretary for
Administration and Management.

[FR Doc.73-7473 Filed 4-17-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-150]

HIGH SKY, INC. ET AL.

Notice of Hearing

Notice is hereby given that: 1. High Sky, Inc., Numidia, Columbia County, Pa., its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Public Law 90-448) (15 U.S.C. 1701 et seq.), received a notice of suspension dated March 16, 1973, which was sent to the developer pursuant to 15 U.S.C. 1706(b) and 24 CFR 1710.45(a) informing the

developer that its statement of record submitted February 23, 1973, for High Sky, Inc., was not effective pursuant to the act, and the regulations contained in 24 CFR part 1710.

2. The Respondent filed an answer dated March 23, 1973, in answer to the allegations of the notice of suspension dated March 16, 1973.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of suspension.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(b) and 24 CFR 1720.155(b), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of suspension will be held before Arnold Ordman, Administrative Law Judge, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C. on May 9, 1973, at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, room 10150, Washington, D.C. 20410 on or before May 4, 1973.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the suspension of the statement of record, herein identified, shall continue until vacated by order of the Secretary, pursuant to 24 CFR 1720.155.

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated April 12, 1973.

JOHN R. McDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-7444 Filed 4-17-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-77N]

NEW YORK HARBOR VESSEL TRAFFIC SYSTEM ADVISORY COMMITTEE

Notice of Establishment

This is to give notice pursuant to the Federal Advisory Committee Act, Public Law 92-463, that the New York Harbor Vessel Traffic System Advisory Committee was established by the Commander, Third Coast Guard District, Governors Island, New York, N.Y., on April 1, 1973. It has been determined, after consultation with the Director, Office of Management and Budget, that establishment of this advisory committee is in the public interest in connection with the performance of duties imposed on the U.S. Coast Guard by law.

The purpose of the New York Harbor Vessel Traffic System Advisory Committee is to provide consultation and advice on the need for, and development, installation and operation of a vessel traffic

system for the New York Harbor, pursuant to the Ports and Waterways Safety Act of 1972, Public Law 92-340.

Dated April 13, 1973.

W. M. BENKEET,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.73-7456 Filed 4-17-73;8:45 am]

Federal Highway Administration
NEBRASKA'S PROPOSED ACTION PLAN
Notice of Availability

The Nebraska Department of Roads has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed action plan as required by Policy and Procedure Memorandum 90-4 issued on September 21, 1972. The action plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social, and environmental effects are fully considered in the development of highway projects and that highway project decisions are made in the best overall public interest considering (1) the needs of fast, safe, and efficient transportation; (2) public services; and (3) adverse impacts.

The proposed action plan is available for public review at the following locations:

1. Nebraska Department of Roads Building, room 115 (South junction of U.S. 77 and Nebraska Route 2), P.O. Box 94753, Lincoln, Nebr. 68503.
2. Federal Highway Administration, Nebraska Division, 1701 South 17th Street, Lincoln, Nebr. 68502.
3. Federal Highway Administration, region 7, 2d floor, Colonial Square Office Building, 6301 Rockhill Road, Kansas City, Mo. 64131.
4. Federal Highway Administration, Environmental Development Division, room 3246, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed action plan are invited. Comments should be sent to the FHWA region office shown above before May 11, 1973.

Issued on April 6, 1973.

R. R. BARTELMYER,
Acting Federal Highway
Administrator.

[FR Doc.73-7456 Filed 4-17-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-324A, 50-325A]

CAROLINA POWER & LIGHT CO.

Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated April 11, 1973,

a copy of which is attached as appendix A below.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed on or before May 18, 1973, either (1) by delivery to the AEC Public Document Room at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust & Indemnity, Directorate of Licensing.

APPENDIX A

APRIL 11, 1973.

Regarding: Carolina Power & Light Co., Brunswick Steam Electric Plant, units 1 and 2, AEC docket Nos. 50-324A and 50-325A, Department of Justice file 60-415-63.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, 68 Stat. 919, 42 U.S.C. 2011-2296, as amended by Public Law 91-560, 84 Stat. 1472, in regard to the above-captioned application for operating license.

In 1968 Carolina Power & Light Co. (C.P. & L.) applied to the Atomic Energy Commission for a permit to construct two 820 MW nuclear generating units (the Brunswick plant) to be located near Southport, N.C.

In November 1969, two groups of petitioners sought to intervene in the proceeding. They were fourteen North Carolina municipalities, which operate electric distribution systems and purchase bulk power from C.P. & L., and North Carolina Electric Membership Corp., a bulk power supply agency for its distribution-cooperative members in North Carolina. Joined in the latter petition was Four County Electric Membership Corporation, the co-op members operating in the area nearest the proposed Brunswick plant. The petitioners sought dismissal of the application, made under section 104 of the act pertaining to research and development licenses, on the ground that Brunswick was a commercial facility which should be licensed under section 103. They also sought a determination of antitrust issues and demanded an opportunity to purchase a fair share of the facilities.

The petitions were denied and a construction permit was issued in 1970. Following the application for operating license in 1972, these parties have again petitioned to intervene, in order to obtain an antitrust review pursuant to their "grandfather" rights under section 105(c)(3) of the act, as amended. With the consent of C.P. & L., the cooperatives, have been joined in their petition by EPIC, Inc., a nonprofit corporation which is in the planning stages of constructing a bulk power electric system to supply North Carolina Electric Membership Corp. and many of the municipal systems in North Carolina, including the 14 municipal intervenors.

Applicant's system and its relations with nearby major utilities and with municipal and cooperative distribution systems in its service area have been described in our letter of advice of August 18, 1972, with re-

spect to C.P. & L.'s construction permit application for its Shearon Harris nuclear plant (AEC dockets Nos. 50-400, 50-401, 50-402, and 50-403). In that advice letter we concluded that no question of denial of access to the Harris plant was present but that other substantial antitrust issues were raised by C.P. & L.'s conduct with respect to the proposed EPIC system and the municipal and cooperative systems in the area.

After discussions with us C.P. & L. agreed to eliminate a series of unduly restrictive provisions in its existing wholesale contracts. It also agreed to six commitments pertaining to coordination with other systems. In general, it agreed to interconnect and coordinate reserves with any entity in its area engaging in or proposing to engage in bulk power production; to arrange mutually beneficial bulk power purchases and sales with any such entity; to coordinate in the planning of new generation and transmission; and to wheel power over its system between entities with which it is interconnected. Upon the applicant's agreement to have these commitments imposed as conditions to its license, our letter concluded that there was no need for an antitrust hearing in the matter.

Against this background it is clear that the pending antitrust review involves no question of anticompetitive conduct by C.P. & L. in its contractual relations with the intervenors or in its use of monopoly power in generation and transmission in its service area to frustrate the development of alternate sources of bulk power to serve the area. Absent any indication of changed circumstances or breach of commitments already made, these issues have been resolved for the present in the Harris proceeding. We are now dealing solely with the questions raised by two requests for an ownership share in the Brunswick plant and their refusal by C.P. & L.

Both the requests and the refusal, however, are full of ambiguity. It appears that during the planning stages of the Brunswick plant, no request to participate was made to the company by any of the municipal or co-op intervenors (with whom C.P. & L. is in continuous routine contact). The requests were made only through the 1969 petitions to intervene. C.P. & L. has never been directly approached for participation in Brunswick, or given any specific idea of the arrangements in which the intervenors would be interested.

Similarly, the applicant's asserted refusal of the request was actually only its answer to the petitions to intervene; it opposed them on purely jurisdictional grounds. Based on our recent discussions with the applicant, however, it is fair to state that C.P. & L.'s present position is that if an explicit request were made, it would for a variety of reasons be refused. C.P. & L. points out that it has never constructed nor does it have any present plans to construct any jointly-owned electric generating plants. But, the company states, it adheres to the commitment in its letter of August 18, 1972 (attached to our letter of advice to the Commission of the same date) that if it "should subsequently construct generating plants on a joint ownership basis, or engage in the sale of unit power from such plants, it would be willing to negotiate with any other bulk power supply system in its service area with which it is interconnected concerning such matters on an equal basis."

In their 1969 requests for participation the intervenors asserted that their long-run survival was dependent on the opportunity to enjoy equal access to nuclear generation. Each petition stated that the petitioners are captive wholesale customers of C.P. & L., owning no generation of their own, and that the applicant enjoys a monopoly on genera-

tion of bulk power in its service area. Further, the petitions contended that the CARVA Pool of C.P. & L., Duke Power Co. (Duke), Virginia Electric and Power Co. (Veeco) and South Carolina Electric and Gas Co. constitutes a monopoly in generation of power over a substantial geographic area of North Carolina, South Carolina, and Virginia. It was argued that when utilized on a large scale, nuclear power would be lower in cost than any then available to C.P. & L. Since the petitioners had no access to the coordination benefits of this Pool, they could not alone reap the benefits of low-cost nuclear power and thus could not compete on an equal basis in the long term. The only logical solution, the argument concluded, was a requirement pursuant to antitrust principles that the petitioners be permitted to participate on equal terms in a share of the proposed nuclear facility.

The present petitions for antitrust review substantially reiterate these assertions. We note, however, that a number of developments since 1969 appear to have considerably improved the petitioners' position vis-a-vis C.P. & L. First the CARVA Pool has been dissolved and its last residual arrangements ended early this year. C.P. & L.'s ability to install large-scale and low-cost generation presently depend on its own system resources and on bilateral coordination arrangements with the former CARVA companies and with other utilities. The significant point is that C.P. & L. has now committed itself to enter into such arrangements with any other present or prospective bulk power supplier in the area on a similar basis, with appropriate consideration of differences in system size.

Second, the escalation of nuclear construction costs in recent years appears to have removed—at least for a time—the cost advantages of new nuclear generation over average system costs. According to the latest cost estimates for the Brunswick plant and associated transmission, the total cost will be 11.78 mills per kWh. This compares with C.P. & L.'s present average wholesale rates to municipal customers of 9.47 mills per kWh and to cooperative customers of 8.56 mills per kWh.

The third change since 1969 is the intervenors' development of a potentially alternative method of access to the economies of scale in bulk power production. In 1969 they joined with other North Carolina distribution systems to form EPIC, Inc. as a vehicle to plan, organize and build their own generation and transmission network in the State. The initial system which is planned to become operational in 1983, will have a total net electrical capability of approximately 5,200 MW. It is estimated that the EPIC system capacity will serve some 87 percent of the projected participant load for 1983, 98 percent by 1985, and 100 percent by 1990. Estimated power costs from the EPIC arrangement, as compared to similar cost estimates of continued wholesale purchases by participants from C.P. & L., Duke and Veeco, indicate average savings of 10 percent over the 13-year period following initial commercial operation. These savings are estimated to increase further thereafter.

Implementation of the EPIC project has, of course, been aided substantially by the commitments on coordination undertaken in 1972 by C.P. & L., which we discussed above. This has now been supplemented by similar detailed policy commitments by Veeco, which were recently worked out by that company, the AEC regulatory staff and the intervenors—including EPIC—in the proceeding on North Anna Units 3 and 4 (AEC dockets Nos. 50-404A and 50-405A). Indeed, in reliance on these commitments, the generation and transmission facilities set forth in the 1972 EPIC report and the associated

cost estimates are based upon interconnected operation with the existing utilities for purposes of reliability and reserve sharing. If the wheeling commitments of C.P. & L. and Vepco are implemented satisfactorily, substantial additional economies can be derived from the EPIC system. Quite aside from EPIC, moreover, these wheeling commitments open to individual municipalities and co-operatives possibilities for alternate bulk power supplies from beyond the immediate area. As our Harris letter of advice stated, imposition of the commitments as license conditions should assure that the smaller systems in C.P. & L.'s area will be able to evaluate the feasibility of a number of future bulk power supply alternatives without being limited by C.P. & L.'s control over existing generation and transmission.

THE ANTITRUST ISSUE

The requests by municipalities and co-operatives in C.P. & L.'s service area for participation in Brunswick raise questions under the antitrust principle requiring those who control an essential resource to grant access to it, on equal and nondiscriminatory terms, to all others engaged in the given business. See e.g., "Associated Press v. United States," 326 U.S. 1 (1945); "Gamco, Inc. v. Providence Fruit & Produce Building," 194 F.2d 484 (C.A. 1 1952), cert. den., 344 U.S. 817 (1952). As we have indicated in past advice letters, this principle applies to bulk power supply arrangements. "United States v. Otter Tail Power Co.," 331 F. Supp. 54 (D. Minn. 1971), affirmed 41 U.S.L.W. 4289 (U.S. S. Ct. 1973).

The major question here is whether the Brunswick plant should be regarded as such an "essential resource"—that is, whether the intervenors have no reasonably comparable alternative for meeting their bulk power requirements. This must be determined under the existing factual situation, rather than under the situation which existed when these parties first sought to intervene in 1969.

The following facts seem decisive on this question. First, the estimated unit costs of the Brunswick plant are now much higher than C.P. & L.'s average system bulk power production costs and consequently much higher than its wholesale rates to C.P. & L.'s municipal and co-op wholesale customers. Secondly, intervenors appear to be well on their way toward developing their own bulk power supply, which is projected to have a cost advantage over purchases from C.P. & L. and other investor owned utilities. Thirdly, even if EPIC should be delayed or ultimately abandoned, the recent commitments by C.P. & L. in the Harris proceeding should open up other possibilities for bulk power supply, which have been little explored to date in view of the intervenors' concentration on pursuing EPIC. Finally, the inference that intervenors do not regard participation in Brunswick to be necessary to their development of a competitive bulk power supply is further confirmed by the fact that they have done nothing at all to pursue the matter with C.P. & L. since the 1969 intervention petition.

Based on the foregoing, we conclude that there is not at present any substantial likelihood that intervenors would be able to establish that Brunswick constitutes the kind of essential resource which should be open to them under antitrust principles.

Our judgment rests heavily on a prediction that the C.P. & L. commitments in the Harris proceeding will make new bulk power alternatives feasible for the intervenors. If this prediction proves incorrect, the issue can

be dealt with through direct enforcement or through imposition of additional relief in future licensing proceedings involving C.P. & L.

For the foregoing reasons, therefore, we conclude that there is no need for an antitrust hearing in this matter.

[FR Doc.73-7488 Filed 4-17-73;8:45 am]

[Docket No. 50-412]

DUQUESNE LIGHT CO. ET AL.

Notice of Special Prehearing Conference

On November 22, 1972, the Atomic Energy Commission (Commission) issued a notice of hearings in the above-entitled proceeding, which was published in the FEDERAL REGISTER on November 28, 1972 (37 FR 25,188), which provided an opportunity for participation by the public in the consideration of the application filed by the Duquesne Light Co., Ohio Edison Co., Pennsylvania Power Co., the Cleveland Electric Illuminating Co., and the Toledo Edison Co. (Applicants) for a license and construction permit for a nuclear power facility to be designated Beaver Valley Power Station, Unit 2, and to be located in Shippingport Borough, Beaver County, Pa.

In response to such notice, petitions to intervene have been filed by the following:

COMMONWEALTH OF PENNSYLVANIA

JOINT PETITIONERS

City of Pittsburgh.
Mayor Pete Flaherty.
Environmental Coalition on Nuclear Power.
Friends of the Earth.
Environment Pittsburgh.
Beaver County Citizens Conservation Corps.
Ernest J. Sternglass.
David Marshall.
Virginia Pell, Norman Michelson, and Robert P. Covel.

The rules of practice of the Commission provide for a special prehearing conference to consider with the said petitioners, as well as with the applicants and the regulatory staff of the Commission, the aforesaid petitions and procedures in reference thereto.

Wherefore, it is ordered. In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, particularly § 2.751(a) thereof, a special prehearing conference to consider the petitions to intervene in this proceeding, and procedures in reference thereto, shall convene at 10 a.m. on Tuesday, May 15, 1973, in Courtroom No. 15, U.S. District Court, located on the Seventh Floor, U.S. Post Office and Courthouse, Seventh and Grand Streets, Pittsburgh, Pa. 15230.

Issued April 12, 1973, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.73-7435 Filed 4-17-73;8:45 am]

[Docket No. 50-420]

GENERAL ELECTRIC TECHNICAL SERVICES CO., INC.

Notice of Application for Consideration of Issuance of Facility Export License

Please take notice that General Electric Technical Services Co., Inc., a subsidiary of the General Electric Co., San Jose, Calif., has submitted to the Atomic Energy Commission an application for a license to authorize the export of a boiling water reactor with a thermal power level of 3,293 megawatts to the Japan Atomic Power Co., Tokyo, Japan, and that the issuance of such license is under consideration by the Atomic Energy Commission.

No license authorizing the proposed reactor export will be issued until the Atomic Energy Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Atomic Energy Commission has found that:

(a) The application complies with the requirements of the Act, and the Atomic Energy Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Atomic Energy Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless on or before May 3, 1973, a request for a hearing is filed with the Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may, upon the determinations and findings noted above, cause to be issued to General Electric Technical Services Co., Inc., a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Atomic Energy Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Atomic Energy Commission's public document room located at 1717 H Street NE, Washington, D.C.

Dated at Bethesda, Md., this 10th day of April 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and
Materials, Directorate of
Licensing.

[FR Doc.73-7489 Filed 4-17-73;8:45 am]

[Docket No. 50-419]

GENERAL ELECTRIC TECHNICAL SERVICES COMPANY, INC.**Notice of Application for Consideration of Issuance of Facility Export License**

Please take notice that General Electric Technical Services Co., Inc., a subsidiary of the General Electric Co., San Jose, Calif., has submitted to the Atomic Energy Commission an application for a license to authorize the export of a boiling water reactor with a thermal power level of 3,293 megawatts to the Tokyo Electric Power Co., Inc., Tokyo, Japan, and that the issuance of such license is under consideration by the Atomic Energy Commission.

No license authorizing the proposed reactor export will be issued until the Atomic Energy Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Atomic Energy Commission has found that:

(a) The application complies with the requirements of the Act, and the Atomic Energy Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Atomic Energy Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless on or before May 3, 1973, a request for a hearing is filed with the Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may, upon the determinations and findings noted above, cause to be issued to General Electric Technical Services Co., Inc., a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Atomic Energy Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Atomic Energy Commission's public document room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 10th day of April 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and
Materials, Directorate of
Licensing.

[FR Doc.73-7490 Filed 4-17-73;8:45 am]

[Docket No. 50-421]

MITSUBISHI INTERNATIONAL CORP.**Notice of Application for Consideration of Issuance of Facility Export License**

Please take notice that Mitsubishi International Corp., New York, N.Y., has submitted to the Atomic Energy Commission an application for a license to authorize the export of a pressurized water reactor with a thermal power level of 2,440 MW to the Kansai Electric Power Co., Inc., Osaka, Japan, Mihama-cho site, and that the issuance of such license is under consideration by the Atomic Energy Commission.

No license authorizing the proposed reactor export will be issued until the Atomic Energy Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Atomic Energy Commission has found that:

(a) The application complies with the requirements of the Act, and the Atomic Energy Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Atomic Energy Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless on or before May 3, 1973, a request for a hearing is filed with the Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may, upon the determinations and findings noted above, cause to be issued to Mitsubishi International Corp., a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Atomic Energy Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Atomic Energy Commission's public document room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this sixth day of April 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and
Materials, Directorate of Li-
censing.

[FR Doc.73-7417 Filed 4-17-73;8:45 am]

[Docket No. 50-422]

MITSUBISHI INTERNATIONAL CORP.**Notice of Application for Consideration of Issuance of Facility Export License**

Please take notice that Mitsubishi International Corp., New York, N.Y., has submitted to the Atomic Energy Commission an application for a license to authorize the export of a pressurized water reactor with a thermal power level of 2,440 megawatts to the Kansai Electric Power Co., Inc., Osaka, Japan, Taka-hama-Ohi-cho site, and that the issuance of such license is under consideration by the Atomic Energy Commission.

No license authorizing the proposed reactor export will be issued until the Atomic Energy Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Atomic Energy Commission has found that:

(a) The application complies with the requirements of the Act, and the Atomic Energy Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Atomic Energy Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless on or before May 3, 1973, a request for a hearing is filed with the Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may, upon the determinations and findings noted above, cause to be issued to Mitsubishi International Corp., a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Atomic Energy Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Atomic Energy Commission's public document room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this sixth day of April 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and
Materials, Directorate of Li-
censing.

[FR Doc.73-7416 Filed 4-17-73;8:45 am]

[Docket No. 50-171]

PHILADELPHIA ELECTRIC CO.**Order Extending Provisional Operating License Expiration Date**

The Philadelphia Electric Co. of Philadelphia, Pa., is the holder of provisional operating license No. DPR-12 issued by the Commission on January 24, 1966, for possession, use, and operation of the Peach Bottom Unit No. 1, a high-temperature, gas-cooled nuclear power reactor, located in York County, Pa. Since January 12, 1967, the company has been authorized to operate the reactor facility at power levels up to 115 megawatts (thermal).

By application dated November 20, 1972, the company has requested an extension of the expiration date of the above provisional license because it is proceeding with plans for decommissioning the reactor facility after depletion of the present core, which is expected to occur during December 1974. The Director of Regulation having determined that the provisional license extension does not involve significant hazards considerations, and good cause having been shown, the bases for which are set forth in a memorandum dated March 27, 1973, from D. J. Skovholt to A. Giambusso:

It is hereby ordered, That the expiration date of provisional operating license No. DPR-12 is extended from December 24, 1972, to June 24, 1974.

This order is effective as of its date of issuance.

For the Atomic Energy Commission.

Date of issuance April 9, 1973.

A. GIAMBUSO,
Deputy Director for Reactor
Projects, Directorate of Li-
censing.

[FR Doc. 73-7434 Filed 4-17-73; 8:45 am]

[Docket No. 50-244]

ROCHESTER GAS & ELECTRIC CORP.**Notice of Availability of AEC's Draft Environmental Statement**

Pursuant to the National Environmental Policy Act of 1969, and the U.S. Atomic Energy Commission's regulations in appendix D to 10 CFR part 50, notice is hereby given that a draft environmental statement, prepared by the Commission's Directorate of Licensing, related to the proposed issuance of a full-term operating license for the R. E. Ginna Nuclear Power Plant, Unit 1, located on Lake Ontario, Wayne County, N.Y., is available for inspection by the public in the Commission's public document room at 1717 H Street NW., Washington, D.C. 20545, and in the local public document room at the Lyons Public Library in Lyons, N.Y. The draft environmental statement is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, N.Y. 12207, and at the Genesee Finger Lakes Regional Planning Board, 65 Broad Street, West Rochester, N.Y.

14614. Copies of the Commission's draft environmental statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The applicant's environmental report, as supplemented, submitted by Rochester Gas & Electric Corp., is also available for public inspection at the above-designated locations. Notice of availability of the applicant's environmental report was published in the FEDERAL REGISTER on October 5, 1972 (37 FR 20998).

Pursuant to 10 CFR part 50, appendix D, interested persons may, within 45 days from the date of publication of this notice in the FEDERAL REGISTER, submit comments on the applicant's environmental report, as supplemented, and the draft environmental statement for the Commission's consideration. Federal and State agencies are being provided with copies of the applicant's environmental report and the draft environmental statement (local agencies may obtain these documents upon request). When comments thereon by Federal, State, and local officials are received by the Commission, such comments will be made available for public inspection at the Commission's public document room in Washington, D.C., and at the Lyons Public Library in Lyons, N.Y. Comments on the draft environmental statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 11th day of April 1973.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects
Branch No. 3, Directorate of
Licensing.

[FR Doc. 73-7346 Filed 4-17-73; 8:45 am]

[Dockets Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS & ELECTRIC CO.**Notice and Order for Evidentiary Hearing**

In the matter of Southern California Edison Co., and San Diego Gas & Electric Co. (San Onofre Nuclear Generating Station, Units 2 and 3), Dockets Nos. 50-361, and 50-362.

Please take notice, that evidentiary hearing on the environmental aspects of the above-captioned application will commence on Monday, May 14, 1973, at 10 a.m., in room Pacific D, Convention Center, Royal Inn at the Wharf, 1355 Harbor Drive, San Diego, Calif. 92101, and will continue without a continuance until completed.

In accordance with the Atomic Energy Commission's notice of hearing on application for construction permits (notice), the Atomic Safety and Licensing Board (Board) will consider the principal issue pursuant to the National Environmental Policy Act of 1969 (NEPA), which issue concerns whether, in accord-

ance with the requirements of appendix D of 10 CFR part 50, the construction permits should be issued the applicants as proposed.

More specifically, the matters to be considered at the hearing shall be those matters described on pages 4 and 5 of the aforementioned notice, which was published by the Atomic Energy Commission (Commission) in the FEDERAL REGISTER (37 FR 16117), on August 10, 1972, and the following contested issues:

Whether applicants' thermal dispersion model reasonably predicts the configuration of the 4° isotherm.

Whether the adverse impact, if any, on benthic organisms and migratory fish species within the 4° isotherm has reasonably been estimated by applicants.

If the resolution of issues above is negative, whether significant changes in the predictions of environmental impact of the project are likely to result.

Whether geothermal energy constitutes a practical alternative to San Onofre Nuclear Generating Station Unit Nos. 2 and 3.

Whether applicants' projections of their need for power consider all factors required to be considered in this proceeding, and reasonably reflect anticipated load growth during the period for which San Onofre Nuclear Generating Station Unit Nos. 2 and 3 are proposed.

The parties to this proceeding shall be the applicant; the regulatory staff of the Commission; the consolidated intervenors, Scenic Shoreline Preservation Conference, Inc., and GUARD; and the cities of Anaheim, Banning, and Riverside, Calif.

At the commencement of the hearing, opportunity will be accorded to any person, at the discretion of the Board, to make a limited appearance pursuant to 10 CFR 2.715 of the Commission's rules of practice, on the matters to be considered.

By order of the Atomic Safety and Licensing Board.

MICHAEL L. GLASER,
Chairman.

APRIL 10, 1973.

[FR Doc. 73-7491 Filed 4-17-73; 8:45 am]

COMMISSION ON CIVIL RIGHTS**HAWAII STATE ADVISORY COMMITTEE****Agenda and Notice of Open Meeting; Correction**

This is an amendment to FR Doc. 73-7163 appearing in the FEDERAL REGISTER of April 12, 1973, on page 9262.

This amendment pertains to a planning meeting of the Hawaii State Advisory Committee to this Commission which will convene at 7:30 p.m. on April 18, 1973, in the committee room of the Ala Moana Hotel at 410 Atkinson Drive, Honolulu, Hawaii 96814.

Paragraph 3 of this notice is amended to read as follows:

The purpose of this meeting is to discuss the Hawaii State Advisory Committee and begin to make plans for future activities of this Committee.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., April 13, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.73-7611 Filed 4-17-73;8:45 am]

COUNCIL OF ECONOMIC ADVISERS

ADVISORY COMMITTEE ON THE ECONOMIC ROLE OF WOMEN

Meeting on Women's Career Formation

APRIL 13, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Advisory Committee on the Economic Role of Women will take place in Washington, D.C., on April 30, 1973.

The agenda for the meeting will be on Women's Career Formation.

HERBERT STEIN,
Chairman.

[FR Doc.73-7496 Filed 4-17-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[I. C. 153]

BLUE CHIP STAMPS

Application for Permission To Acquire Control of Mutual Savings and Loan Association

APRIL 13, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Blue Chip Stamps, Los Angeles, Calif., for approval of acquisition of control of the Mutual Savings & Loan Association, Los Angeles, Calif., an insured institution controlled by Wesco Financial Corp., under the provisions of section 408 (e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by a purchase for cash of stock of Wesco Financial Corp. by Blue Chip Stamps. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before May 8, 1973.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.73-7500 Filed 4-17-73;8:45 am]

[H.C. 152]

FIRST TEXAS FINANCIAL CORP.

Application for Permission To Acquire Control of Hesperian Building & Savings Association

APRIL 13, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the First Texas Financial Corp., Dallas, Tex., a multiple savings and loan holding company, for approval of acquisition of control of the Hesperian Building & Sav-

ings Association, Gainesville, Tex., under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by the purchase for cash of shares of said association by First Texas Financial Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before May 8, 1973.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.73-7499 Filed 4-17-73;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 73-14]

GULF-PUERTO RICO LINES, INC.

Proposed ILA Surcharge Between U.S. Gulf Ports and Puerto Rico; Order of Investigation and Suspension; Corre- ction

By order served April 5, 1973, and published at 38 FR 9266, Thursday, April 12, 1973, the Commission instituted an investigation into the lawfulness of the subject surcharge. On page 2 of that order, in the first ordering paragraph, the investigation is said to have been instituted pursuant to " * * * section 22 of the Shipping Act, 1933, * * * " Language was inadvertently omitted. The first ordering paragraph should read:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the proposed surcharge for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that the tariff matter hereby placed under investigation is further changed, amended, or re-issued, such changes are hereby ordered to be made a part of this investigation.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-7503 Filed 4-17-73;8:45 am]

MATSON TERMINAL, INC., AND NIPPON YUSEN KAISHA

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Fed-

eral Maritime Commission, Washington, D.C. 20573, by May 8, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Peter P. Wilson, Counsel, Matson Navigation Co., 100 Mission Street, San Francisco, Calif. 94105.

Agreement No. T-2774, between Matson Terminals, Inc. (Matson), and Nippon Yusen Kaisha (NYK), is a container terminal services arrangement under which Matson will provide: (1) Adequate berthing space; (2) adequate container yard space; (3) container gantry cranes; and (4) container terminal services for NYK vessels calling at Honolulu, Hawaii. Compensation for the above services is to be as agreed upon by the parties and filed with the Federal Maritime Commission. The agreement stipulates that NYK will obtain the above services solely from Matson when calling at the Port of Honolulu.

Dated April 13, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-7501 Filed 4-17-73;8:45 am]

MATSON TERMINALS, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 by May 8, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with

particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Peter P. Wilson, Counsel, Matson Navigation Co., 100 Mission Street, San Francisco, Calif. 94105.

Agreement No. T-2772, between Matson Terminals, Inc. (Matson), and Columbus Line/Hamburg Sued Amerikanische Dampfschiffahrts-Gesellschaft Egger & Amsinck (Columbus) is a container terminal services arrangement under which Matson will provide: (1) Adequate berthing space; (2) adequate container yard space; (3) container gantry cranes; and (4) container terminal services for Columbus vessels calling at Honolulu, Hawaii, and Oakland, Calif. Compensation for the above services is to be as agreed upon and filed with the Federal Maritime Commission. The agreement stipulates that Columbus will obtain the above services solely from Matson when calling at the Ports of Honolulu and Oakland.

Dated April 13, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 73-7502 Filed 4-17-73; 8:45 am]

[Docket No. 73-17]

SEA-LAND SERVICE, INC. AND GULF PUERTO RICO LINES, INC.

Order of Investigation and Suspension Regarding Proposed Rules on Containers

On March 15, 1973, Sea-Land Service, Inc. (Sea-Land), and Gulf Puerto Rico Lines, Inc. (GPRL) filed proposed amendments to their tariffs¹ between the east and gulf coasts, respectively, and Puerto Rico which set forth rules relating to the handling of certain containers. The amendments are scheduled to become effective on April 14, 1973.

For the most part, the rules are derived from the carriers' current contracts with the International Longshoremen's Association (ILA) and/or its various locals. The containers to which the rules apply are those which:

- (a) Are owned or leased by Sea-Land, Gulf Puerto Rico Lines or affiliates, and;
- (b) Contain less-than-trailerload (LTL) cargo or consolidated full container loads, and;
- (c) Come from or go to any person who is not the beneficial owner of the cargo, and;

¹ The applicable tariff pages are listed in app. A.

(d) Come from or go to any point within 50 miles of the center of any port covered by the rules.²

Those containers which meet all of the criteria set forth above would be stripped and stuffed at a waterfront facility by ILA labor. Only containers of mail, household goods, and personal effects of military personnel would be exempt from the stripping and stuffing requirements. Provisions are set forth to prevent avoidance or evasion of the rules by inter alia, moving outside the 50-mile limits, or using other containers.

Failure to insure that the appropriate containers are properly stripped and stuffed will be considered a violation of the above rules and the carrier will become liable for certain penalties (or liquidated damages). At all ports on the east coast, except Miami, the penalty is \$1,000. At Miami, Mobile, and New Orleans, it is \$250. The penalty is passed on to the shipper or consignee where the violation is caused by his action or oversight.

In addition to the above provisions, Sea-Land's tariff sets forth certain standards promulgated by the CONASA-ILA Container Committee for the "fair and nondiscriminatory enforcement" of those provisions. The most significant of these so-called standards provides that:

2. No carrier or direct employer shall supply its containers to any facilities operated in violation of the rules on containers including but not limited to a consolidator who stuffs containers of outbound cargo or a distributor who strips containers of inbound cargo and including a forwarder who is either a consolidator or a distributor. No carrier or direct employer shall operate a facility in violation of the rules on containers which specifically requires that all containers be stuffed or stripped at a waterfront facility (pier or dock) where vessels normally dock.

A list shall be maintained of consolidation and distribution stations which are operated in violation of the rules for the information of all carriers and direct employers. Any container consolidated at or distributed from such facilities shall be deemed a violation and subject to the rules on stuffing and stripping.

The staff has been informed by officials of Sea-Land that these standards are meant to supersede the provisions of the basic contract. Thus, Sea-Land will supply no containers to consolidation facilities within 50 miles of a port unless they are located on a pier where vessels normally dock.

Upon consideration of the above matters, the Commission is of the opinion that the proposed rules may be violative of sections 14 Fourth, 16 First, and/or 18(a) of the Shipping Act, 1916, and sec-

² The ports covered by GPRL's rules are Mobile Ala., and New Orleans, La.: The ports to which Sea-Land's rules apply are not specified but it would appear that all ports on the U.S. Atlantic and gulf coasts which are served by Sea-Land would be included within this rule.

³ Council of North Atlantic Shipping Associations.

tion 4 of the Intercoastal Shipping Act, 1933, and good cause appearing, therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said tariff matters for the purpose of making such findings and orders as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued, such changes will be included in this investigation.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the tariff pages listed in appendix A are hereby suspended and the use thereof deferred to and including August 13, 1973, unless otherwise ordered by the Commission.

It is further ordered, That there shall be filed immediately by Sea-Land Service, Inc. and by Gulf Puerto Rico Lines, Inc., consecutively numbered supplements to their aforesaid tariffs which supplements shall bear no effective date, shall reproduce the portion of this order wherein that carrier's suspended matter is described and shall state that the suspended matter may not be changed until this proceeding has been disposed of or until the period of suspension has expired, whichever comes first, unless otherwise ordered by the Commission.

It is further ordered, That pursuant to section 14 Fourth of the Shipping Act, 1916, a determination shall be made as to whether either or both of respondent carriers are proposing to unfairly treat or unjustly discriminate against any shipper in the matter of cargo space accommodations.

It is further ordered, That pursuant to section 16, First, of the Shipping Act, 1916, a determination shall be made as to whether either or both of respondent carriers, either alone or in conjunction with any other person, are proposing to subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

It is further ordered, That pursuant to section 18(a) of the Shipping Act, 1916, and section 4 of the Intercoastal Shipping Act, 1933, a determination shall be made as to whether the subject tariff matter is just and reasonable.

It is further ordered, That copies of this order shall be filed with the aforesaid tariff schedules in the Bureau of Compliance of the Federal Maritime Commission.

It is further ordered, That Sea-Land Service, Inc. and Gulf Puerto Rico Lines, Inc., be named as respondents in this proceeding.

It is further ordered, That this proceeding be assigned for public hearing before an administrative law judge of this Commission's Office of Administrative Law Judges and that the hearing(s)

be held at a date and place to be determined by the presiding administrative law judge.

It is further ordered, That (I) a copy of this order be served upon each respondent herein and upon this Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (II) the respondents and hearing counsel be duly served with notice of time and place of hearing(s).

It is further ordered, That the provisions of rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

All persons (including individuals, corporations, associations, firms, or partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

Gulf Puerto Rico Lines, Inc., Freight Tariff No. 1, FMC-F No. 1:
Fourth revised page 69.
First revised page 69-A.
Original page 102-A.
Original page 102-B.
Original page 102-C.
Original page 102-D.
Original page 102-E.
Original page 102-F.
Original page 102-G.
Fifth revised page 304.
First revised page 304-A.
Second revised page 304-A.
Sea-Land Service, Inc., Freight Tariff No. 158, FMC-F No. 21:
Second revised page 75.
Original page 117-A.
Original page 117-B.
Original page 117-C.
Original page 117-D.
Original page 117-E.
Original page 117-F.
Eighth revised page 344.
Fifth revised page 345-A.
Fourth revised page 402.

[FR Doc.73-7506 Filed 4-17-73; 8:45 am]

TRANSOCEAN LINES, INC., ET AL. Notice of Issuance of Performance Certificate

Security for the protection of the public indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Transocean Lines, Inc., and/or Orient Overseas Lines, Inc., c/o Orient Overseas Services, Inc., 311 California Street, San Francisco, Calif. 94104.

Dated April 13, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-7504 Filed 4-17-73; 8:45 am]

TRANSOCEAN LINES, INC., ET AL.

Notice of Issuance of Casualty Certificate

Security for the protection of the public financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357), and Federal Maritime Commission General Order 20, as amended (46 CFR part 540):

Transocean Lines, Inc., and/or Orient Overseas Lines, Inc., c/o Orient Overseas Services, Inc., 311 California Street, San Francisco, Calif. 94104.

Dated April 13, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-7505 Filed 4-17-73; 8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p) (1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to part 542 of title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01039----	Den Norske Amerikalinje A/S: <i>Vistafjord</i> .
01059----	London & Overseas Freighters, Ltd.: <i>London Integrity</i> .
01172----	H. Clarkson & Co., Ltd.: <i>Ersikine Bridge</i> .
01304----	Furness Withy & Co., Ltd.: <i>Tropic</i> .
01305----	Royal Mail Line Ltd.: <i>Orduña</i> .
01306----	Shaw Savill & Albion Co., Ltd.: <i>Londis</i> .

Certificate

No.	Owner/Operator and Vessels
01547----	Costa Armatori S.p.A.: <i>Franca O.</i> <i>Andrea O.</i>
01843----	A. F. Harmstorff & Co.: <i>Samossand</i> .
01893----	Silver Line, Ltd.: <i>Silverdon</i> .
01986----	Aktiebolaget Transmarin: <i>Martina</i> .
02040----	Przedsiębiorstwo Polowow Dalekomskich I uslug Rybackich "Odra" Swinoujscie: <i>Walen</i> .
02043----	Suomen Tankkilaiva oy, Finska Tankfartygs AB: <i>Wiiri</i> .
02218----	Christian Haaland: <i>North Star</i> .
02260----	Garibaldi Soc. Cooperativa Di Navigazione a Responsabilita Limitata: <i>Grifone</i> .
02465----	Koch-Ellis Marine Contractors, Inc.: <i>KE-36</i> .
02508----	Montezuma Compania Armadora S.A.: <i>Theomana</i> .
02515----	SPS Tankers Corporation: <i>Theonymphos</i> .
02583----	Pacific Inland Navigation Co., Inc.: <i>ZBO-260</i> .
02603----	Empresa Hondurena De Vapores, S.A.: <i>Tilapa</i> .
02911----	Sig. Bergesen D.E. & Co.: <i>Berge Prince</i> .
02982----	The Shipping Corp. of India Ltd.: <i>Vishva Karuna</i> , <i>Gandhi Jayanti</i> , <i>Samudragupta Jayanti</i> , <i>Vishva Yash</i> .
03018----	Federal Barge Lines, Inc.: <i>Herman Pott</i> .
03213----	Amoco Trading International Ltd.: <i>Conqueror</i> .
03271----	Sea-Land Service, Inc.: <i>Sea-Land Exchange</i> .
03397----	Hilmar Reksten: <i>Jullan</i> .
03412----	Asahi Kalun K.K.: <i>Kohnan Maru</i> .
03433----	Hiroumi Kisen Kabushiki Kaisha: <i>Japan Poplar</i> .
03458----	Matsuoka Kisen Kabushiki Kaisha: <i>Hakonesan Maru</i> , <i>Hagoromo Maru</i> .
03492----	Sawayama Kisen K.K.: <i>Kinokuni Maru</i> .
03474----	Nippon Suisan K.K.: <i>Tokachi Maru</i> .
03484----	Sanko Kisen K.K.: <i>Buko Maru</i> .
03490----	Sato Kisen K.K.: <i>Nipponham Maru No. 1</i> .
03508----	Taiyo Gyogyo K.K.: <i>Tenyo Maru No. 3</i> .
03519----	Toko Shosen K.K.: <i>Kenko Maru</i> .
03520----	Tokyo Shosen K.K.: <i>Fukuyo Maru</i> , <i>Kiyo Maru</i> .
03532----	Zuisel Kalun K.K.: <i>Kikuko Maru</i> .
03577----	Taiyo-Kalun-Sangyo K.K.: <i>Suruga Maru</i> .
03614----	A/S Kristian Jebsens Roderl: <i>Falknes</i> .
03619----	United Towing Co.: <i>Barge 2</i> , <i>Barge 4</i> .
03625----	Hygrade Operators, Inc.: <i>Hygrade No. 22</i> .
03749----	Halvorsen Towing, Inc.: <i>Klinkwan</i> .
04002----	Compagnie Des Messageries Maritimes: <i>Marion Dufresne</i> .
04011----	Haverton Shipping Ltd.: <i>Varda</i> .
04226----	National Marine Service, Inc.: <i>ETT 124</i> , <i>ETT 125</i> , <i>N.M.S. No. 1450</i> , <i>N.M.S. No. 1451</i> .
04454----	Satsumaru Kalun K.K.: <i>Satsumaru No. 17</i> , <i>Satsumaru No. 27</i> .
04480----	Omaezaki Enyo Gyogyo Kyodo Kumiai: <i>Kathoumaru No. 17</i> .
04623----	Seaspan International Ltd.: <i>Seaspan 822</i> .

Certificate
No. Owner/Operator and Vessels
 05026---Linea Oceanica Peruana S.A.: *Paracas, Capirona*.
 05520---Union Carbide Corp.: *Debbie, JDS-126*.
 05522---Burmah Oil Trading Ltd.: *Burmah Agate*.
 05846---"Nordsee" Deutsche Hochsee, GmbH: *Bremen, Hannover, Kiel*.
 06013---Osaka Asahi Kaun Kabushiki Kaisha: *Kyokushin*.
 06248---Commercial Corporation "Sovryb-flot": *Gorets, Altaiskie Gory*.
 06435---Dampskibsselskabet Den Norske Afrika-OG Australielinie Wilhelmsens Dampskibsselskab, A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI: *Tarugo*.
 06755---Tonin Shipping Corp., Panama: *Garden Sun*.
 07112---Dampskibsselskabet Den Norske Afrika-OG Australielinie Wilhelmsens Dampskibsselskab, A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI, Skips A/S Triton, Skips A/S Tudor: *Takamine*.
 07176---Great Fortune Navigation Co. S.A., Hong Kong: *Great Victory*.
 07255---Teh Tung Steamship Co., Ltd.: *Hopei, Anhui*.
 07325---The Maersk Co. Ltd.: *Maersk Cadet*.
 07336---American Rice Steamship Co.: *SS American Rice*.
 07345---Diakan Hope S.A.: *Polynesia Diakan*.
 07482---Alexandra Navigation Corp., Ltd.: *Panamax Venus*.
 07547---Myers Molasses Co., Inc.: *FT-18*.
 07649---Perama Navigation Co. Ltd.: *Perama*.
 07664---Hado Shipping Corp.: *Tahama, Tamara*.
 07712---Magdalena Shipping Corp.: *Barbergate*.
 07728---Dodone Navigation Co., Ltd.: *Charlotte*.
 07737---Gallantry Navigation Co., S.A.: *Hongkong Gallantry*.
 07742---Rederiet Jal A/S: *Jal Importer*.
 07754---Mount Shipping Co., S.A.: *Sun Plum*.
 07763---TTT, Inc.: *Fortaleza*.
 07765---Tex-Barge, Inc.: *STCo. 200, STCo. 201, STCo. 202*.
 07767---Acromion Compania Naviera S.A.: *Savoy Dean*.
 07768---Omni Shipping S.A.: *Northern Ice, Norther Frost*.
 07771---Interessentskapet Balao: *Balao*.
 07772---Great Eastern Maritime Co., Ltd.: *Montego, Cougar*.
 07773---Marpegaso Compania Naviera S.A.: *Petingo*.
 07775---Tropica Ultramar S.A.: *Togo*.
 07783---Lakeport Navigation Company Panama S.A.: *Olympic Brilliance*.
 07784---Serral Shipping Co. S.A.: *Sofia*.
 07785---Pantodynamos Cia Naviera S.A.: *Nestor*.
 07786---Anchor Tankers Corp.: *Dolphin*.
 07788---Rome Transfer Corp.: *Syracuse Sears*.
 07789---Siam Lines Corp., Ltd.: *Siam Sapphire*.
 07793---Sea Scope Corp.: *Sea Scope*.
 07800---Lindinger Emerald K/S: *Lindinger Emerald*.
 07805---Surgelati Tontini Pesca SPA: *Tontini Pesca Terzo, Tontini Pesca Quarto*.
 07807---D. Wandel & Co.: *Regine*.
 07809---Yorigami Kensetsu K.K.: *Kiyo Maru No. 2*.
 07810---Eastern World Transports Inc.: *Eastern World*.
 07812---Cape Canaveral Shipping Co., Inc., Monrovia: *Cape Canaveral*.

Certificate
No. Owner/Operator and Vessels
 07813---Cape Sear Shipping Co. S.A., Monrovia: *Cape Sear*.
 07814---Zappon Shipping Co., Ltd.: *Sunrise*.
 07815---Apex Shipping Corp.: *Apex*.
 07816---Kabushiki Kaisha Kyodogumi: *Sumi Maru No. 38*.
 07817---Yick Fung Shipping and Enterprises Co., Ltd.: *Sapphire, Steed, Fuchunkiang, Weddell Sea, Arafura Sea, Ball Sea, Venice, Black Sea, Ber Sea, White Sea, Mindanao Sea, Muluca Sea*.
 07823---Apex Bulk Carrier Co., Ltd., Inc.: *Beatrice*.
 07826---Elsparta Maritime S.A.: *Corinthian*.
 07830---Varnicos Primero Corp. S.A., Panama: *Kriti Star*.
 07831---Bay Sound Transportation Co.: *Huron*.
 07833---Pyramid Ventures Group, Inc.: *Pyramid Venus*.
 07844---Allinta Compania Naviera S.A.: *Allinta*.
 07846---Fareast Mermald S/A: *Hosoi Maru*.
 07847---Toshin Yusosen Co., Ltd.: *Toyo Maru*.

By the Commission.

FRANCIS C. HURNEY,
 Secretary.

[FR Doc.73-7507 Filed 4-17-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. C173-662]

ANADARKO PRODUCTION CO.

Notice of Application

APRIL 10, 1973.

Take notice that on April 3, 1973, Anadarko Production Co. (Applicant), P.O. Box 9317, Fort Worth, Tex. 76107, filed in docket No. C173-662 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Co. in Morton County, Kans., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 2,000 M ft³ of gas per day for 1 year at 35 cents per thousand cubic feet at 14.65 lb/in²a, subject to British thermal unit adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants

parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
 Secretary.

[FR Doc.73-7193 Filed 4-17-73;8:45 am]

[Docket No. C173-660]

N. B. HUNT

Notice of Application

APRIL 10, 1973.

Take notice that on April 2, 1973, N. B. Hunt (Applicant), 1401 Elm Street, Dallas, Tex. 75202, filed in docket No. C173-660 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp., from the Palo Blanco Field, Brooks County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of natural gas on March 21, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 1,000 M ft³ of gas per day, plus additional volumes which may be available and which the purchaser may be able to take, at 35 cents per thousand cubic feet at 14.65 lb/in²a subject to downward British thermal unit adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest

with reference to said application should on or before April 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7194 Filed 4-17-73;8:45 am]

[Docket No. CI73-650]

MARSHALL EXPLORATION, INC.

Notice of Application

APRIL 10, 1973.

Take notice that on March 29, 1973, Marshall Exploration, Inc. (Applicant), P.O. Box 729, Marshall, Tex. 75670, filed in docket No. CI73-650 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from acreage in Claiborne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on April 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 30,000 M ft³ of gas per month at 45 cents per thousand cubic feet at 15.025 lb/in²a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7195 Filed 4-17-73;8:45 am]

[Docket No. CI73-663]

MESA OFFSHORE CO.

Notice of Application

APRIL 10, 1973.

Take notice that on April 2, 1973, Mesa Offshore Co. (Applicant), P.O. Box 2009, Amarillo, Tex. 79105, filed in docket No. CI73-663 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Sea Robin Pipeline Co. from block 270, East Cameron area, and block 330, Eugene Island area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on March 15, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the

end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to charge and collect 35 cents per thousand cubic feet subject to upward and downward British thermal unit adjustment and expects to sell approximately 7,500 M ft³ of gas per day initially and an average of approximately 10,000 M ft³ of gas per day.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7196 Filed 4-17-73;8:45 am]

[Project No. 2482—New York]

NIAGARA MOHAWK POWER CORP.

Notice of Availability of Staff Draft Environmental Impact Statement

Notice is hereby given in the captioned project, that on April 18, 1973, as required by § 2.81(b) of Commission order No. 415-C, a draft environmental statement prepared by the staff of the Federal Power Commission was made available for comments. This statement deals with the environmental impact of an application for amendment of the license issued

in accordance with the Federal Power Act for Hudson River Project No. 2482 for the removal of the Fort Edward development of the project from the Hudson River. The development is located in the counties of Saratoga and Washington, N.Y., on the Hudson River.

This statement has been circulated for comments to Federal, State, and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, room 2523, General Accounting Office Building, 441 G Street NW., Washington, D.C., and at its New York regional office located at 26 Federal Plaza (22d floor), New York, N.Y. Copies may be ordered from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The Fort Edward development currently consists of a 586-foot-long rock filled timber crib dam and a powerhouse containing hydroelectric generating units with a total capacity of 2,850 kW operating at a gross head of 18.5 feet.

The action being considered is the removal of a dam which is in danger of failure.

The Commission has found that the emergency nature of this proceeding makes it necessary and appropriate in the public interest to dispense with the 45-day time period for review and comment, and herewith shortens the period to 30 days from the above date to afford the Commission the opportunity to decide the merits of this application in as expeditious a manner as possible.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. Because of the emergency nature of this action all comments must be filed on or before May 18, 1973.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedure. Petitioners must also file timely comments on the draft statement in accordance with § 2.81(c) of order No. 415-C.

All petitions to intervene must be filed on or before May 18, 1973.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7513 Filed 4-17-73;8:45 am]

[Project No. 108]

NORTHERN STATES POWER CO.
Notice of Availability of Staff Draft
Environmental Impact Statement

APRIL 16, 1973.

Notice is hereby given in the captioned project, that on April 16, 1973, as required by § 2.81(b) of Commission Order No. 415-C, a draft environmental statement prepared by the staff of the Federal Power Commission was made available for comments. This statement deals with the environmental impact of an

application for a new major license filed pursuant to the Federal Power Act for Chippewa Reservoir Project No. 108 located on the Chippewa River in Sawyer County, Wis. The original license for the project expired on August 7, 1971, and the project is presently being operated under an annual license. The project is located partly on tribal lands of the Lac Court Orieles Indian Reservation and lands of the United States.

This statement has been circulated for comments to Federal, State, and local agencies and parties to the proceeding, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, room 2523, General Accounting Office Building, 441 G Street NW., Washington, D.C., and at its regional office located at 610 South Canal Street, room 1051, Chicago, Ill. 60606. Copies may be ordered from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The Chippewa Reservoir project consists of: (1) A dam about 1,290 feet long and about 45 feet high; (2) Chippewa Reservoir which impounds 223,000 acre-feet of usable storage capacity with about 15,800 acres of water surface area at normal full-pool elevation 1,313, mean sea level; and (3) all other facilities and interests appurtenant to operation of the project.

Chippewa Reservoir is a storage reservoir, impounded primarily for regulation of the flow of the Chippewa River for downstream hydroelectric power production. There are no generating facilities at the project. During the winter months, the reservoir is drawn down to accommodate snow melt and spring rains thereby contributing to flood control. The regulated flow of the Chippewa River provides for low flow augmentation downstream. During the summer months, as nearly as is practicable, reservoir fluctuations are held to 3 feet in the interest of recreational activities.

Chippewa Reservoir is located in thinly populated northwestern Wisconsin and covers a flowage approximately 14 miles long and 9 miles wide. The over 200 miles of shoreline are largely undeveloped and in a primitive natural state; the applicant's future plans are to preserve the semiwilderness characteristics of the reservoir area.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before June 4, 1973.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedure. Petitioners must also file timely comments on the draft statement in accordance with § 2.81(c) of order No. 415-C.

All petitions to intervene must be filed on or before May 31, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7557 Filed 4-17-73;8:45 am]

[Docket No. CI73-661]

TENNECO OIL CO.
Notice of Application

APRIL 10, 1973.

Take notice that on April 2, 1973, Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001, filed in docket No. CI73-661 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Co. from the Adams area, Hemphill County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 5,000 M ft³ of gas for 1 year at 47 cents per M ft³ at 14.65 lb/in²a, subject to upward and downward Btu adjustment and reimbursement for all existing and new taxes, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Initial tax reimbursement is 3.5250 cents per M ft³.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7197 Filed 4-17-73;8:45 am]

FEDERAL RESERVE SYSTEM FIRST NATIONAL BANCORPORATION

Acquisition of Bank

The First National Bancorporation, Denver, Colo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Republic National Bank of Pueblo, Pueblo, Colo. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 7, 1973.

Board of Governors of the Federal Reserve System, April 10, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-7464 Filed 4-17-73;8:45 am]

FIRST SECURITY CORP.

Acquisition of Bank

First Security Corporation, Salt Lake City, Utah, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 97.5 percent or more of the voting shares of First Security Bank of Murray, N.A., Murray, Utah. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 7, 1973.

Board of Governors of the Federal Reserve System, April 10, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-7465 Filed 4-17-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 101; U-Maine-574]

POND ISLAND LIGHT STATION, MAINE

Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 15, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, Boston, Mass., regional office, dated March 29, 1973, the property comprising approximately 10 acres of unimproved land, identified as Pond Is-

land Light Station, Sagadahoc County, Maine, has been transferred to the Department of the Interior.

2. The above property was transferred to the Department of the Interior for wildlife conservation purposes in accordance with the provisions of section 1 of the said Public Law 537 (16 U.S.C. 667b).

Dated April 11, 1973.

THOMAS M. THAWLEY,
Commissioner.

[FR Doc.73-7492 Filed 4-17-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

MISSISSIPPI

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Mississippi, dated March 27, 1973, and published April 2, 1973 (38 FR 8489); amended April 5, 1973, and published April 9, 1973 (38 FR 9049), is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 27, 1973:

The counties of:

Adams	Lafayette
Carroll	Marshall
Clalborne	Pontotoc
Holmes	Webster
Jefferson	Wilkinson

Dated April 12, 1973.

DARRELL M. TRENT,
Acting Director,

Office of Emergency Preparedness.

[FR Doc.73-7493 Filed 4-17-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 7-4372 and 7-4375]

CARRIER CORP. AND CONTINENTAL TELEPHONE CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 12, 1973.

In the matter of application of the PBW Stock Exchange, Inc., for unlisted trading privileges in certain securities; Securities Exchange Act of 1934.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Carrier Corp. warrants (expiring July 15, 1976)-----	7-4372
Continental Telephone Corp. warrants (expiring Nov. 5, 1974)-----	7-4375

Upon receipt of a request, on or before April 28, 1973, from any interested person, the Commission will determine

whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-7469 Filed 4-17-73;8:45 am]

[70-5327]

NATIONAL FUEL GAS CO. ET AL.

Notice of Proposed Issue and Sale of Notes to Banks by Holding Company and by Subsidiaries and Related Intrasystem Transactions

Notice is hereby given that National Fuel Gas Co. (National), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and three of its utility subsidiary companies, Iroquois Gas Corp. (Iroquois), United Natural Gas Co. (United), and Pennsylvania Gas Co. (Penn), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

National proposes to issue and sell from time to time through December 31, 1973, its unsecured promissory notes to the Chase Manhattan Bank (National Association) (Chase) in a maximum aggregate amount of \$14,500,000 to be outstanding at any one time. The notes will mature on December 31, 1974, will bear interest payable quarterly at the prime commercial rate of Chase in effect from time to time, and will be prepayable in whole or in part without penalty. National states that it has informally agreed with Chase to maintain average balances of 20 percent of the average loans outstanding, although its average balances maintained for normal operating needs are substantially more. Viewed as a "compensating balance", the 20 percent requirement would result in an effective cost of 8.125 percent per annum

assuming a 6½ percent prime rate. National currently has no bank indebtedness outstanding, and states that it expects to repay the proposed notes through the sale of debentures in 1974.

National proposes to use the proceeds from the sale of its notes to Chase to acquire for cash through December 31, 1973 unsecured promissory notes (subsidiary notes) in the principal amounts of \$12 million, \$2 million, and \$500,000, from Iroquois, United, and Penn, respectively. The subsidiary notes will mature December 31, 1974; will bear interest, payable quarterly, at the prime commercial rate of Chase in effect from time to time; and, after payment of all notes of prior maturity, will be prepayable by the respective subsidiaries at any time or from time to time, in whole or in part, without premium. The net proceeds derived from the sale of the subsidiary notes will be used by the subsidiary companies to make additions to utility plant and to increase and replenish working capital. The estimated cost of the 1973 plant additions for Iroquois, United, and Penn is \$17,710,000, \$7,198,000, and \$3,582,000, respectively.

Iroquois, United, and Penn also propose to issue and sell from time to time during 1973, to the banks named below, unsecured short term promissory notes in the aggregate amounts of \$8 million for Iroquois, \$7 million for United, and \$4 million for Penn. The banks from which each subsidiary proposes to borrow, and the maximum amount to be outstanding with each bank, are as follows:

By Iroquois:

Marine Midland Bank-Western, Buffalo, N.Y.-----	\$3,760,000
Manufacturers & Traders Trust Company, Buffalo, N.Y.-----	3,600,000
Liberty National Bank & Trust Company, Buffalo, N.Y.-----	640,000
	<u>\$8,000,000</u>

By United:

Deposit National Bank, Dubois, Pa.-----	\$400,000
First Laurel Bank, St. Mary's, Pa.-----	600,000
Emporium Trust Company, Emporium, Pa.-----	170,000
First National Bank of Mercer County, Greenville, Pa.-----	200,000
First Seneca Bank & Trust Company, Oil City, Pa.-----	2,000,000
McDowell National Bank, Sharon, Pa.-----	850,000
Northwest Pa. Bank & Trust Company, Oil City, Pa.-----	1,500,000
Pennsylvania Bank & Trust Company, Titusville, Pa.-----	1,000,000
Producers Bank & Trust Company, Bradford, Pa.-----	100,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.-----	180,000
	<u>\$7,000,000</u>

By Penn:

Warren National Bank, Warren, Pa.-----	\$700,000
The First National Bank of Pennsylvania, Erie, Pa.-----	1,750,000
Marine National Bank, Erie, Pa.-----	700,000
Marine Midland Chautauqua National Bank, Jamestown, N.Y.-----	500,000
The Pennsylvania Bank & Trust Company, Warren, Pa.-----	350,000
	<u>\$4,000,000</u>

Each of said short term notes will be dated as of the date of issue, will mature not later than 9 months thereafter, will be prepayable at any time, in whole or in part, without penalty, and, in the case of Iroquois and Penn, will bear interest at the prime rate of interest in effect at the lending bank on the date of issuance. The notes issued and sold by United to Mellon National Bank & Trust Co. will bear interest at the prime commercial rate of interest in effect at that bank on the date of issuance; interest on the other notes will be at the prime rate in effect at Chase on the issuance date. There are no compensating balance requirements, except that in respect of Penn's borrowing from Marine National Bank a 20-percent compensating balance will be required, giving an effective interest cost of 8.125 percent per annum assuming a 6½ percent prime rate.

The 9-months notes will amount to the following percentages of the principal amount and par value of the subsidiary companies' other securities outstanding as of December 31, 1972: Iroquois, 5.3 percent, United 13.6 percent, and Penn 15.1 percent. The proceeds derived from the sale of the short term notes to banks will be used by Iroquois, United, and Penn to finance the cost of gas purchased and stored underground for current inventory purposes; it is stated that such borrowings are expected to be repaid early in 1974 as gas is withdrawn from storage and sold.

The aggregate fees and expenses incurred in connection with the proposed transactions are estimated at \$5,120, including counsel fees of \$1,050. The application-declaration states that the proposed sales of notes of Iroquois are subject to the jurisdiction of the Public Service Commission of New York, the State commission of the State in which Iroquois is organized and doing business; and that the proposed sales of notes by United and Penn are subject to the jurisdiction of the Pennsylvania Public utility Commission, the State commission of the State in which those companies are organized and doing business. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

National requests that the rule 24 certificates of notification regarding the short term borrowings by the three subsidiaries be filed on a quarterly basis.

Notice is further given that any interested person may, not later than May 7, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-7468 Filed 4-17-73;8:45 am]

[File No. 7-4368 and 7-4360]

WILLIAMS COS. AND NATIONAL GENERAL CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 12, 1973.

In the matter of application of the PBW Stock Exchange, Inc., for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following companies, which securities are listed and registered on one or more other national securities exchanges:

File No.

Williams Cos., warrants (expiring May 15, 1974)-----	7-4368
National General Corp., warrants (expiring January 1, 1976)-----	7-4360

Upon receipt of a request, on or before April 28, 1973, from any interested person, the Commission will determine whether the application with respect to

any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.73-7470 Filed 4-17-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 967]

ALABAMA

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Alabama as a major disaster area following severe flooding and tornadoes which began on or about March 14, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties: Chilton, Choctaw, Cullman, De Kalb, Etowah, Greene, Lamar, Marshall, St. Clair, Sumter, Tuscaloosa, and Walker. Applications may be filed at the:

Small Business Administration, regional office, 1401 Peachtree Street NE., Atlanta, Ga. 30309.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than May 30, 1973.

Dated April 6, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-7422 Filed 4-17-73;8:45 am]

[Notice of Disaster Loan Area 968]

GEORGIA

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Georgia as a major disaster area following severe flooding and tornadoes beginning on or about March 16, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood vic-

tims in Catoosa, Clarke, Clayton, Dade, Henry, Madison, Oconee, Rockdale, Walker, Walton, and Whitefield Counties.

Applications may be filed at the:

Small Business Administration, Regional Office, 1401 Peachtree Street NE., Atlanta, Ga. 30309.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than June 8, 1973.

Dated April 6, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-7423 Filed 4-17-73;8:45 am]

[Notice of Disaster Loan Area 966]

MISSISSIPPI

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Mississippi as a major disaster area following heavy rains and flooding which began on or about March 14, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the additional Counties of Calhoun, Chickasaw, Issaquena, Lawrence, Lincoln, Prentiss, Sharkey, Tishomingo, and Yalobusha.

Applications may be filed at the:

Small Business Administration, Regional Office, 1401 Peachtree Street NE., Atlanta, Ga. 30309.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than May 30, 1973.

Dated April 6, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-7424 Filed 4-17-73;8:45 am]

[Notice of Disaster Loan Area 965]

NEW YORK

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of New York as a major disaster area following high winds, wave action and flooding which began on or about March 16, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional Counties: Cayuga and Genesee.

Applications may be filed at the:

Small Business Administration, Regional Office, 26 Federal Plaza, Room 3930, New York, N.Y. 10007.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than May 25, 1973.

Dated April 6, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-7425 Filed 4-17-73;8:45 am]

TARIFF COMMISSION

[TEA-W-188]

TMA CO., WHEELING, ILL.

Workers' Petition for Determination; Notice of Amendment of Scope of Investigation

On March 14, 1973, the U.S. Tariff Commission published notice (38 FR 6935) of the institution of an investigation under section 301(c) (2) of the Trade Expansion Act of 1962 on behalf of the former workers of the TMA Co., Wheeling, Ill., to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with television receivers and radio-television-phonograph combinations (of the types provided for in items 685.20 and 685.42 of the "Tariff Schedules of the United States"), produced by said firm are being imported in the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

On April 12, 1973, the Commission amended the scope of this investigation, pursuant to its authority under section 403(a) of the said act, to include articles like or directly competitive with radio-phonograph combinations (of the types provided for in item 685.30 of the "Tariff Schedules of the United States"), produced by said firm.

Issued April 13, 1973.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.73-7510 Filed 4-17-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ALLEGHENY BEVERAGE CORP. AND BURLINGTON INDUSTRIES, INC.

Notice of Withdrawal of Applications for Variances

1. *Allegheny Beverage Corp.*—Notice is hereby given that Allegheny Beverage Corp., 2216 North Charles Street, Baltimore, Md. 21218, has requested that its application for a temporary variance, which was noticed at 37 FR 10820, be withdrawn. Accordingly, the application is considered withdrawn, and no further action will be taken on it.

2. *Burlington Industries, Inc.*—Notice is hereby given that Burlington Industries, Inc., 3330 West Friendly Avenue,

Greensboro, N.C. 27420, has requested that its application for a temporary or experimental variance, which was noticed at 38 FR 3555, be withdrawn. Accordingly, the application is considered withdrawn and no further action will be taken on it.

Signed at Washington, D.C., this 13th day of April 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc. 73-7498 Filed 4-17-73; 8:45 am]

Wage and Hour Division FULL-TIME STUDENTS

Certificates Authorizing the Employment of Students Working Outside of School Hours at Special Minimum Wages in Retail or Service Establishments or in Agriculture

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR part 519), and administrative order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below \$1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below \$1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

A & R Food Store, Inc., foodstores, 2-14-74; Brent, Ala.; Calera, Ala.; 202 Seventh Street South, Clanton, Ala.

A & W Root Beer Drive In, restaurant; 1430 East 21st, Pueblo, Colo.; 2-13-74.

Abourezk's Store, variety-department store; Mission, S. Dak.; 1-31-74.

Ackemann Bros., Inc., variety-department store; 168 East Highland Avenue, Elgin, Ill.; 2-15-74.

Aero Pharmacy, Inc., drugstore; 2100 Drems Road, Middle River, Md.; 2-1-74.

Alexander's Super Market, Inc., variety-department store; 2023 East Overland, Scottsbluff, Nebr.; 1-31-74.

Alleghany County Memorial Hospital, hospital; Sparta, N.C.; 1-31-74.

Allen's Big Star, foodstore; corner Second Avenue and Sixth Street North, Amory, Miss.; 2-2-74.

Andy's Smorgasbord & Prime Rib, restaurant; 3350 Highland Drive, Salt Lake City, Utah; 1-31-74.

Apostolic Christian Home, nursing home; 511 Paramount Street, Sabetha, Kans.; 1-31-74.

Ashton Bros. Co., foodstore; 25 West Main, Vernal, Utah; 1-28-74.

B & C Grocery, foodstore; 202 North Broadway, Walters, Okla.; 1-30-74.

B. J.'s A.G. Food Store, foodstore; 2808 North 19th, Waco, Tex.; 1-21-74.

Baenziger Model Market, Inc., foodstores, 1-31-74; 1040 North Walnut Street, New Braunfels, Tex.; 510 East Court Street, Seguin, Tex.

E. W. Banks Co., variety-department store; 2022 North Jackson, Forsyth, Ga.; 2-25-74.

Baptist Memorial Home, nursing home; 2104 12th Street, Harlan, Iowa; 2-7-74.

Barbecue Inn, restaurant; 116 West Cross-timbers, Houston, Tex.; 1-30-74.

Ben Franklin Store, variety-department stores; 200 East Main Street, Anamoca, Iowa, 2-4-74; 2720 West Locust Street, Davenport, Iowa, 2-17-74.

Benjamin Hershey Memorial Convalescent Home, nursing home; 1810 Mulberry Avenue, Muscatine, Iowa; 1-29-74.

Benning's Market, foodstore; 211 North Broadway, Miller, S.C.; 2-16-74.

H. Berkman & Co., variety-department stores, 1-23-74; 4737 Marlboro Pike, Coral Hills, Md.; Simonton, Tex.

Bethany Home For The Blind, nursing home; 1005 Lincoln Avenue, Dubuque, Iowa; 1-22-74.

Big Bee Market, Inc., foodstore; 600 South State Road, Marysville, Pa.; 2-9-74.

Big Daddy's IGA, foodstore; Willow Street, Providence, Ky.; 1-25-74.

Bill's Super Market, foodstore; Schleswig, Iowa; 1-26-74.

Billy Sunday Retirement Home, nursing home; 6120 Morningside Avenue, Sioux City, Iowa; 1-31-74.

Biltmore Farms, agriculture; Biltmore, N.C.; 1-31-74.

Blooming Prairie Super Valu, foodstore; Blooming Prairie, Minn.; 1-21-74.

Bob's Grocery, foodstore; 200 First Avenue Northeast, Cairo, Ga.; 1-31-74.

Boehner's IGA Supermarket, foodstore; Milan, Mo.; 1-21-74.

The Brethren Home, nursing home; New Oxford, Pa.; 2-13-74.

Brittany Buffet, restaurants, 2-8-74; 275 Central Park Shopping Center, San Antonio, Tex.; 615 Southwest Military Drive, San Antonio, Tex.

Broadus Super Market, Inc., foodstore; Highway 21 West, Caldwell, Tex.; 1-31-74.

Bryk Walgreen Agency Drugs, Inc., drugstore; Fox Valley Shopping Center, Cary, Ill.; 2-8-74.

Buddy's Discount Foods, foodstore; 1011 Natchitoches Street, West Monroe, La.; 1-31-74.

Burger Chef, restaurant; 61 Hendersonville Road, Asheville, N.C.; 1-31-74.

Burnette Thriftstore, foodstore; Westgate Plaza, Barnesville, Ga.; 2-7-73 to 1-31-74.

Butler's Department Store, variety-department store; 54 Main Street, Waterville, Maine; 11-7-73.

Butrus Food Center, Inc., foodstore; 4301 10th Avenue North, Birmingham, Ala.; 1-31-74.

Byrd Food Stores, Inc., foodstores, 3-3-74; 1609 South Church Street, Burlington, N.C.; 2011 West Webb Avenue, Burlington, N.C.; 329 Harden Street, Graham, N.C.

California Superama, Inc., foodstore; Fourth and Aztec, Gallup, N. Mex.; 1-21-74.

Calmer, Inc., foodstore; Uptown Plaza, Gallup, N. Mex.; 1-21-74.

Cap's Super Market, foodstore; 1000 Allo Street, Marrero, La.; 1-31-74.

Carter's Food Center, foodstore; 305 South McQuarrie, Wagoner, Okla.; 1-31-74.

Carter's, Inc., variety-department stores, 1-31-74; 116 West Illinois, Vinita, Okla.; 120 West Illinois, Vinita, Okla.

Carty's Department Store, variety-department store; 215 East Main Street, West Point, Miss.; 1-31-74.

Chatfield Super Valu, foodstore; Chatfield, Minn.; 1-21-74.

Cheatham Stores, variety-department store; 533 Harrison, Pawnee, Okla.; 1-31-74.

Childs Super Market, foodstore; Railroad Street and Atlantic Road, Gray, Ga.; 2-11-74.

Clark Nursing Home, Inc., nursing home; Clark, S. Dak.; 1-31-74.

Coker-Hampton Drug Co., Inc., drugstore; 218 South Main, Stuttgart, Ariz.; 2-12-74.

Conrad & Marr Drug Co., Inc., drugstore; 101 Mid-American Avenue, Midwest City, Okla.; 1-23-74.

Covington, Covington Drug Co., drugstore; McKenzie, Tenn.; 1-31-74.

Creekmore's Food Center, foodstore; 217 West Market Street, Bolivar, Tenn.; 1-31-74.

Crook's Food Mart, foodstore; Senola, Ga.; 2-13-74.

Dairy Queen, restaurant; 1 Manchester Mall, Manchester, Mo.; 2-13-74.

Davis Super Market, Inc., foodstore; 730 East Pittsburgh Street, Greensburg, Pa.; 1-23-74.

The Diamonds, restaurant; Villa Ridge, Mo.; 2-12-74.

Dick's I.G.A. Store, foodstore; Valley, Nebr.; 1-28-74.

Drake-Mangrum Super Market, foodstore; Batesville, Miss.; 2-15-74.

Draper & Darvin Enterprises, apparel store; 144-147 Public Square, Lebanon, Tenn.; 1-23-74.

Eagle Stores Co., Inc., variety-department stores; Hemingway, S.C., 1-31-74; Elizabethton, Tenn.; 1-1-74.

Eastlawn Pharmacy, drugstore; 831 South Saginaw Road, Midland, Mich.; 2-17-74.

Economy Super Market, Inc., foodstore; Clendenin, W. Va.; 2-1-74.

Edcel's AG Supermarket, foodstore; 100 Avenue F, Kentwood, La.; 2-15-74.

Edcon Grocery, foodstore; Stanberry, Mo.; 1-31-74.

Egg-A-Day Farm Store, foodstores, 1-31-74; 1575 Center Point Road, Birmingham, Ala.; 217 South Seventh Street, Birmingham, Ala.

Elkenberry's IGA Foodliners, Inc., foodstores, 1-31-74; 1120 Dayton Road, Greenville, Ohio; Wagner and Russ Roads, Greenville, Ohio.

F & F Grocery, Inc., foodstore; Lake View, S.C.; 1-31-74.

Fedder's Fashion Shop, variety-department store; 103 Main Street, Easley, S.C.; 3-2-74.

Fell & Ellermyer, variety-department store; 211 South Main, Belen, N. Mex.; 1-30-74.

Ferri Super Market, Inc., foodstore; Old William Penn Highway, Murrysburg, Pa.; 2-14-74.

Frank's United Super, foodstore; 203 South Pine, Norborne, Mo.; 1-31-74.

Freeland-Brown Pharmacy, drugstore; 4508 South Floris, Tulsa, Okla.; 1-16-74.

Gaylord Super Valu, foodstore; Gaylord, Minn.; 1-21-74.

Gene's Bestyet, foodstore; Hoxie, Kans.; 1-31-74.

Geo. Ade Memorial Hospital, hospital; Brook, Ind.; 1-31-74.

Geri's Hamburgers, restaurant; 5518 North Second Street, Love Park, Ill.; 2-9-74.

Getz IGA Store, foodstore; Hoxie, Kans.; 2-10-74.

Gibson General Hospital, Inc., hospital; Hospital Drive, Trenton, Tenn.; 2-10-74.

Glenwood Super Valu, foodstore; Glenwood, Minn.; 1-20-74.

Gloyer's Pharmacy, drugstore; 1010 West Main, Tomball, Tex.; 2-13-74.

Gockel IGA, foodstore; St. Marys, Kans.; 1-31-74.

- Graham's Department Store, Inc., variety-department store; 124-126 South Main Street, Red Springs, N.C.; 1-31-74.
- Gross Food Market, foodstore; 3012 Bosque Boulevard, Waco, Tex.; 1-31-74.
- Hardy Super Market, Inc., foodstore; Shepherdsville, Ky.; 2-12-74.
- Harmon Food Center, foodstore; 202 North Washington, Lake Mills, Iowa; 2-12-74.
- Harrell's Table Supply, Inc., foodstore; Second Street, Soperton, Ga.; 1-31-74.
- Harry Minkovitz, Inc., variety-department store; 124 Main Street, Sylvania, Ga.; 1-20-74.
- Hezzle's Super Market, foodstore; Senath, Mo.; 1-31-74.
- Hogan's Discount Foods, foodstore; 2936 Cypress Street, West Monroe, La.; 1-31-74.
- Hollberg's variety-department store; 306-310 Main Street, Senola, Ga.; 2-15-73 to 1-31-74.
- Hugh Bennington, foodstore; Cheney, Kans.; 1-31-74.
- Independent Food Center, Inc., foodstore; Fairfield, Ala.; 2-8-74.
- International House of Pancakes, restaurant; 5171 Chouteau, Kansas City, Mo.; 2-13-73 to 2-3-74.
- Irvine's Super Market, foodstore; 2029 Savannah Road, Augusta, Ga.; 1-31-74.
- Isaly's foodstore; Walnut Street, McKeesport, Pa.; 1-31-74.
- Jay's IGA Foodliner, foodstore; 425 South Jefferson, Mexico, Mo.; 1-31-74.
- Jennings Market, foodstore; 103 West Dakota Street, Butler, Mo.; 1-31-74.
- John Gray & Son Big Star, foodstore; No. 8, Memphis, Tenn.; 2-14-74.
- Johnson's Super Market, foodstore; East Washington Street, Bedford, Va.; 2-17-74.
- Kelloff's Inc., foodstores; Antonito, Colo., 2-19-74; La Jara, Colo., 1-31-74.
- Kemper Drug, drugstore; 323 Jackson Avenue, Elk River, Minn.; 1-31-74.
- King's Food Host, USA, restaurants; 330 South College Avenue, Fort Collins, Colo.; 1-20-74.
- Langston's Grocery, foodstore; West Blocton, Ala.; 1-31-74.
- La Verna Heights, nursing home; 104 East Park Avenue, Savannah, Mo.; 2-15-74.
- Lazenby's foodstore; 1327 North Ripley Street, Montgomery, Ala.; 2-4-74.
- Leggett's Super Market, Inc., foodstore; 403 John Small Avenue, Washington, N.C.; 1-31-74.
- Leon's Food Mart, Inc., foodstore; 2200 Winthrop Road, Lincoln, Neb.; 1-31-74.
- Le Sueur Super Valu, foodstore; Le Sueur, Minn.; 1-21-74.
- Lo Mark, Inc., foodstores; Cumberland Street, Dunn, N.C., 3-1-74; 727 North Highway Street, Madison, N.C.; 2-28-74.
- Long's Food Market, foodstore; 1114 Main Street, Bestrop, Tex.; 1-28-74.
- Luther Haven Nursing Home, nursing home; East Highway 7, Montevideo, Minn.; 2-16-74.
- Madonna Home, Inc., nursing home; 2200 South 52d Street, Lincoln, Neb.; 2-8-74.
- Mars Bros., Inc., variety-department store; Philadelphia, Miss.; 2-2-74.
- Mason's Market, foodstore; Minden, Neb.; 1-31-74.
- McCalmont IGA, foodstore; Sublette, Kans.; 1-31-74.
- McCoy's Pharmacy & Gift Shop, drugstore; 139 East North Street, New Boston, Tex.; 1-31-74.
- McGinley Market, foodstore; 102 South Polk Street, Albany, Mo.; 1-31-74.
- Meador's Pharmacy, drugstore; 101 West Waterman, Dumas, Ariz.; 1-31-74.
- Mecca Convalescent Home, nursing home; 916 Southwest US 1, Vero Beach, Fla.; 2-19-74.
- Midwest Covenant Home, Inc., nursing home; 615 East Ninth Street, Stromsburg, Neb.; 1-26-74.
- Miller's Supermarket, Inc., foodstore; 702 South Main, Moab, Utah; 2-12-74.
- Montross Pharmacy, Inc., drugstore; 118-120 North First Avenue, Winterset, Iowa; 1-31-74.
- Moore's Department Store, Inc., variety-department store; Clarkson, Neb.; 1-1-74.
- M. E. Moses Co., variety-department store; No. 47, Dallas, Tex.; 2-14-74.
- Mount St. Joseph, nursing home; Highwood Street, Waterville, Maine; 2-22-74.
- Mr. Smorgasbord Restaurant, restaurants; 2-14-74, except as otherwise indicated: Prairie and Hively Road, Elkhart, Ind.; 6933 Indianapolis Boulevard, Hammond, Ind. (1-31-74); 1102 State Road 2, Laporte, Ind.; 136 East McKinley, Mishawaka, Ind. (1-31-74); 1902 South 11th Street, Niles, Mich.; 2800 Niles Avenue, St. Joseph, Mich. (2-1-74); U.S. 6 and McCool Road, Valparaiso, Ind. (1-31-74).
- Myatt Bros. Food Store, foodstore; Purvis, Miss.; 1-31-74.
- Newton's Red & White, Inc., foodstore; 120 East Wilson Street, Farmville, N.C.; 2-10-74.
- Nipple Convalescent Home, nursing home; Thompsonstown, Pa.; 2-14-74.
- Nu-Way Grocery, foodstore; 104 East Broadway, Drumwright, Okla.; 1-31-74.
- Olin B. Kirven, Sr. & Jr. Farm, agriculture; Hartsville, S.C.; 2-14-74.
- The Outlet Co., Inc., apparel store; 1926 Second Avenue North, Bessemer, Ala.; 2-1-74.
- Pak-A-Sak Food Stores, foodstores, 1-31-74; 206 North East Street, Kinston, N.C.; 1400 Arendell Street, Morehead City, N.C.; Highway 24, Swansboro, N.C.
- Palace Drug Co., Inc., drugstore; 704 North Manhattan, Manhattan, Kans.; 2-16-74.
- Palmer's Super Market, foodstore; Parkersburg, Iowa; 1-31-74.
- Parkers Supermarket, foodstore; Highway 82 East, New Boston, Tex.; 2-11-74.
- Piggly Wiggly, foodstores; Aliceville, Ala., 1-31-74; Bluff Street, Marion, S.C.; 1-18-74.
- Polaykoff Food Market, foodstore; 1001 Court Street, Sioux City, Iowa; 1-31-74.
- Port Allegany Community Hospital, hospital; 45 Pine Street, Port Allegany, Pa.; 1-21-74.
- Powers Market, foodstore; 301 Hillsboro Highway, Manchester, Tenn.; 2-14-74.
- Prairie View Leasing Corp., nursing home; Sanborn, Iowa; 1-31-74.
- Prenger's, Inc., restaurant; 116 East Norfolk Avenue, Norfolk, Neb.; 1-31-74.
- Prince, Inc., foodstores; Brooks-Plaza Shopping Center, Fort Walton Beach, Fla., 1-26-73 to 1-20-74; Fort Walton Beach, Fla., 2-5-74.
- Professional Services, restaurants, 2-8-74; 1300 San Pedro, San Antonio, Tex.; 2111 Nevada, San Antonio, Tex.
- Raymond's Clothes Shop, apparel store; 614 Fourth Street, Sioux City, Iowa; 2-1-74.
- Ream's Bargain Annex, foodstores, 1-31-74; No. 5, Bountiful, Utah; Nos. 2 and 6, Salt Lake City, Utah; 4750 South Redwood Road, Taylorsville, Utah.
- Red & White Super Market, foodstore; 1503 Highland Avenue, Montgomery, Ala.; 2-17-74.
- Red Keg South, restaurant; 2300 South Minnesota Avenue, Sioux Falls, S. Dak.; 1-31-74.
- Regal Baker's IGA Food Store, foodstore; Highway 79 South, McKenzie, Tenn.; 2-19-74.
- Rhea's, Inc., foodstore; Monroeville Mall, Monroeville, Pa.; 1-31-74.
- Richardson's Super Food Market, foodstore; Estes Park, Colo.; 2-14-73 to 2-11-74.
- Robert Berlin, Inc., variety-department store; 22 South York Road, Hathboro, Pa.; 1-23-74.
- Ruffins Department Store, Inc., variety-department store; Hemingway, S.C.; 1-29-73 to 1-26-74.
- Sacred Heart Hospital, hospital; West Fourth Street, Yankton, S. Dak.; 1-31-74.
- St. Joseph Hospital, hospital; North Church Street, Hazleton, Pa.; 1-31-74.
- St. Joseph Hospital of Plains, hospital; 602 West Sixth Street North, Cheyenne Wells, Colo.; 2-20-74.
- Salem Lutheran Homes, nursing home; Elk Horn, Iowa; 1-31-74.
- Samhat Bros. Food Mart, foodstore; 27222 Grand River, Detroit, Mich.; 2-17-74.
- Sam'l Levy Merc. Co., variety-department store; 19 North Main Street, Butler, Mo.; 12-31-73.
- Sam's Super Market, foodstore; 2135 South Minnesota Avenue, Sioux Falls, S. Dak.; 1-31-74.
- Schowalter Villa, nursing home; 200 West Cedar, Hesston, Kans.; 1-31-74.
- Schulenberg's Super Valu, Inc., foodstore; Wells, Minn.; 2-2-74.
- Shelbyville Key Market, foodstore; Shelbyville, Ky.; 1-28-74.
- Sherry Hardware, hardware store; 1710 West Fourth Street, Davenport, Iowa; 2-16-74.
- Shop-Rite, foodstores, 2-28-74; No. 5, Chatsworth, Ga.; No. 1, Fort Oglethorpe, Ga.; No. 3, Ringgold, Ga.; No. 7, Summerville, Ga.
- Smith Drug Stores, Inc., drugstore; 814 West Sixth Street, Junction City, Kans.; 1-31-74.
- Snyder's, variety-department store; Winslow, Ind.; 2-8-74.
- Spalding Manor, Inc., nursing home; Spalding, Neb.; 1-31-74.
- J. F. Spillane, Inc., variety-department store; 500 West Marshall Street, Norristown, Pa.; 1-23-74.
- Stephens Super Foods, foodstore; Vienna, Ga.; 1-31-74.
- Sturm's Youth World, apparel store; 535 Main Street, Oak Ridge, Tenn.; 2-3-74.
- Super Drive-Ins, foodstores, 2-18-74; No. 3, Clarksville, Tenn.; No. 1, Nashville, Tenn.
- Sureway Food Store, foodstore; Mayfield Shopping Plaza, Mayfield, Ky.; 2-4-74.
- Sutton Super Market, Inc., foodstore; U.S. 25 West, Williamsburg, Ky.; 2-14-74.
- Thompson Foodland, foodstore; Grand Junction, Iowa; 1-31-74.
- Tomlinson Stores, Inc., variety-department store; 102 West Main Street, Dillon, S.C.; 2-12-74.
- Tomlinson's Discount Store, variety-department store; 155 North Dargan Street, Florence, S.C.; 2-26-74.
- Top Save Dept. Store, Inc., variety-department store; Westgate Plaza, Streator, Ill.; 1-21-74.
- Trading Post, foodstore; 105 Railroad Street, Poplarville, Miss.; 1-31-74.
- The Union Grocery Co., Inc., foodstore; Gary, W. Va.; 2-12-74.
- V & M Drugs, drugstore; 108 South Main, Temple, Tex.; 1-31-74.
- Vista, Inc., restaurants; 825 West Sixth, Emporia, Kans., 2-1-74; 1911 Tuttle Creek Boulevard, Manhattan, Kans., 1-31-74.
- Wall Drug Store, Inc., variety-department store; Wall, S. Dak.; 1-31-74.
- Warshaw's apparel store; 216 Washington Street, Walterboro, S.C.; 2-6-74.
- Waydide Market, foodstore; Redford, Va.; 1-23-74.
- Westgate Pharmacy, drugstore; 1300 Norfolk Avenue, Norfolk, Neb.; 2-18-74.
- White Auto Store, household appliances; 3190 Delta Drive, Jackson, Miss.; 2-16-74.
- Whitehurst & Son, foodstore; Hobgood, N.C.; 1-31-74.
- Wilke's Sure Save, foodstores, 1-31-74; 118 South Main, Elkader, Iowa; 124 Main Street, Fredericksburg, Iowa; 108 West Center, Monoma, Iowa.
- Willard's I.G.A., Inc., foodstore; Sixth and Pacific, Oswatimie, Kans.; 1-31-74.

Wilson's Food Store, foodstore; 1033 North Second, Markel, Tex.; 1-31-74.
 Winnebago Super Valu, foodstore; Winnebago, Minn.; 1-21-74.
 Womacks Minimax, foodstore; 1411 Abrens Street, Houston, Tex.; 1-31-74.
 Woodbury Market, foodstore; 214 McCrary Street, Woodbury, Tenn.; 1-31-74.
 Wood's 5 & 10¢ Stores, variety-department store; West Hudson Street, Fayetteville, N.C.; 2-6-73 to 2-2-74.
 Wright Grocery Co., foodstore; Fort Walton Beach, Fla.; 1-26-73 to 1-21-74.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Don's Jack & Jill Grocery, foodstore; Lakin, Kans.; sacker; 15 to 47 percent; 2-28-74.
 Geri's Hamburgers, restaurant; 7900 North Alpine, Loves Park, Ill.; general restaurant worker; 9 to 38 percent; 2-28-74.
 Haddad's, Inc., apparel store; 4825 McCorkle Avenue Southwest, South Charleston, W. Va.; salesclerk; 1-31-74.
 Terrace Gardens Manors, Inc., nursing home; 1301-1325 North West Street, Wichita, Kans.; junior nurse's aide, kitchen aid; 7 to 28 percent; 2-28-74.
 Tomlinson Stores, Inc., variety-department store; 811 South Madison Street, Whiteville, N.C.; salesclerk, stock clerk, porter; 5 to 20 percent; 2-28-74.
 White's Stores, Inc., variety-department store; 126 Granville Street, Ahoskie, N.C.; 2-28-74.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in part 528 of title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before May 18, 1973.

Signed at Washington, D.C., this 6th day of April 1973.

ROBERT G. GRONEWALD,
*Authorized Representative
 of the Administrator.*

[FR Doc.73-7356 Filed 4-17-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 223]

ASSIGNMENT OF HEARINGS

APRIL 13, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

AB-49, Ann Arbor Railroad Co., abandonment entire line of railroad, including all of its car ferry routes, north and west of Thompsonville, Mich., in Benzie County, Mich., and Keweenaw and Manitowoc Counties, Wis., is continued to May 7, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C., and June 11, 1973 (1 week), at Green Bay, Wis., in a hearing room to be later designated.

MC 138141, Louis Sanitara, Jr., doing business as AAA United Limousine Service, now assigned April 24, 1973, at Newark, N.J., is canceled and application dismissed.

MC 108461 sub 120, Whitfield Transportation, Inc., now being assigned May 21, 1973 (1 week) at Albuquerque, N. Mex., in a hearing room to be later designated.

FD 25949, Lehigh Valley Railroad Co., abandonment between Dushore and Towanda, Pa., now assigned May 1, 1973, at Towanda, Pa., is canceled and transferred to modified procedure.

MC 69833 sub 105, Associated Truck Lines, Inc., now being assigned hearing June 4, 1973 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

MC-C-7965, Audrey J. Hansen, doing business as Safeway Moving and Storage Co., Von Der Ahe Van Lines, Inc., Pyramid Van Lines, Inc., and Trans-World Movers, Inc., investigation of operations, now assigned May 17, 1973, will be held in room 829, U.S. Courthouse, Court of Appeals, 811 Grand Ave., Kansas City, Mo.

MC-66886 sub 30, Belger Cartage Service, Inc., now assigned May 7, 1973, will be held in room 829, U.S. Courthouse, Court of Appeals, 811 Grand Ave., Kansas City, Mo.

MC-126489 sub 16, Gaston Feed Transports, Inc., now assigned May 14, 1973, will be held in room 829, U.S. Courthouse, Court of Appeals, 811 Grand Ave., Kansas City, Mo.

I. & S. No. 8848, proportional rates on coal to Ohio River points, now being assigned hearing June 4, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

I. & S. No. 8844, pulpwood and woodchips, within SFA territory, now being assigned prehearing conference May 17, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

I. & S. No. 8849, feed ingredients mixed in transit, southern territory, now being assigned hearing June 12, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

I. & S. No. 8847, free time on export traffic, U.S. ports, now being assigned hearing June 11, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11232, Navajo Freight Lines, Inc.—Purchase—Ulrich Freight Lines, now assigned May 7, 1973 (1 week), at Chicago, Ill., is canceled and transferred to modified procedures.

MC 93284 sub 6, Sullivan's Motor Delivery, Inc., now assigned April 30, 1973, at Madison, Wis., is postponed to June 4, 1973, at Milwaukee, Wis., in room 301C, City Hall, 200 East Wells Street.

MC 119368 sub 6, A. J. Weigand, Inc., now being assigned hearing July 9, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11704, Mohawk Motor, Inc., purchase (portion)—Michigan Express, Inc., MC-F-11707, Indianhead Truck Line, Inc., purchase (portion)—Michigan Express, Inc., now assigned May 21, 1973, at Detroit, Mich., is postponed indefinitely.

AB-5 sub 130, George P. Baker, Richard C. Bond and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment portion Quarryville industrial track between Lancaster and Quarryville, Lancaster County, Pa., now assigned May 30, 1973, at Lancaster, Pa., is postponed to June 4, 1973, at Lancaster, Pa., in a hearing room to be later designated.

MC 113267 sub 223, Central & Southern Truck Lines, Inc., now assigned April 25, 1973, at Louisville, Ky., is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-7484 Filed 4-17-73;8:45 am]

[No. 35809]

CENTRAL & SOUTHERN MOTOR FREIGHT TARIFF ASSOCIATION, INC.

Petition for Declaratory Order Regarding Loading/Unloading Contracts

APRIL 2, 1973.

Notice is hereby given that on March 8, 1973, Central and Southern Motor Freight Tariff Association and its member motor common carriers of property filed a petition for a declaratory order determining whether contracts providing an allowance for the loading or unloading of carriers' vehicles by a warehouseman at his place of business are consistent with the Interstate Commerce Act. It is alleged that such contracts are in widespread use and are violative of sections 216 and 225 of the Interstate Commerce Act. Petitioners state that the intent of these arrangements is to cause the warehousemen to be independent contractors, as opposed to agents, for the purpose of loading freight for the carriers. The following features are apparently typical of the type of contract being used.

1. Loading service is defined as the loading by the warehouseman on the carrier's equipment of freight from a platform, doorway, or shipping room directly accessible to the highway vehicle of the carrier.

2. If the warehouseman loads a certain aggregate of less-than-truckload shipments (in the example given, the amount specified was 10,000 lb or more) in 1 calendar day, the warehouseman would be paid an allowance (in the example given, the amount was 6.5 cents per 100 lb) where the line-haul rates for the loaded freight were assessed under tariffs published by specified tariff bureaus.

3. Bills of lading are to be stamped with an indication that an allowance was payable because the shipment was a part lot of a total weight of however many pounds were loaded on that date.

4. The warehouseman agrees to indemnify the carrier for liability, loss, or expense arising by or incident to, or, resulting from the warehouseman's performance.

5. The warehouseman agrees that it will not allow any portion of the allowance paid under the agreement, by any device or arrangement whatsoever, to be paid or refunded directly or indirectly to any shipper, consignee, or anyone whomsoever in any way interested in the freight handled or transported.

6. The warehouseman agrees that it will notify the carrier when a loaded trailer is ready for removal from the warehouseman's premises.

7. The carrier agrees to pay the allowance upon presentation of a statement within 90 days of the date of the bills of lading.

Petitioners pose the following questions:

1. Is it lawful for a warehouseman shipping goods as agent for shippers simultaneously to load those goods for the carrier pursuant to contracts of the type described above?

2. Does the answer to question 1 depend upon whether the warehouseman is designated as the shipper on the bill of lading rather than as agent for the shipper whose name appears on the bill of lading?

3. Is it lawful for a carrier to pay a warehouseman an allowance for loading under the contract?

4. Does the answer to question 3 depend upon whether the warehouseman's name appears as shipper or as agent for the shipper named for whom the shipment is being made?

5. It is understood that the warehouseman loads only that traffic which weighs 500 lbs or more. Is it lawful for an allowance to be paid to a warehouseman when the governing classification and/or rules tariff state that it is the shipper's responsibility to load freight of that weight?

6. Is it lawful for carriers to maintain contracts of the nature described above which, on their face, are not on file with the Commission as tariffs under section 217 of the act and which, on their face, provide a device to circumvent the re-

quirements of sections 225 and 216 of the act?

Any person interested in the matter which is the subject of the petition and who wishes to participate actively in any further proceedings herein shall notify this Commission, by filing with the Office of Proceedings, room 5342, 12th Street and Constitution Avenue NW., Washington, D.C., 20423, on or before May 17, 1973, an original and one copy of a statement of his intention to participate. Thereafter, the nature of further proceedings herein, if any, will be designated. The petition and statements of intent to participate, if any, will be available for public inspection at the offices of the Interstate Commerce Commission during the regular business hours.

A copy of this notice will be served upon the petitioners, and notice of the filing of the petition will be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., and by delivering a copy hereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-7479 Filed 4-17-73;8:45 am]

FILING OF PETITION FOR DECLARATORY ORDER

APRIL 13, 1973.

No. MC-C-8027 (Notice of filing of petition for declaratory order), filed March 22, 1973. Petitioner: CHARLES GRANT, doing business as GRANT'S TRUCKING CO., P.O. Box 53, Zion Hill, Pa. 18981. Petitioner's representative: John J. Keller, 145 West Wisconsin Avenue, Neenah, Wis. 54956. Petitioner seeks a determination as to whether the transportation of oyster shells, ground (used for other than button making) is exempt from economic regulation pursuant to section 203(b) (6) of the Interstate Commerce Act. The commodities involved are oyster shells containing no meat, which assertedly, when finely ground, make good liming materials for soils and a mineral feed for livestock and poultry as a source of calcium. By the instant petition, petitioner seeks a declaratory order to the effect that such ground oyster shells are an exempt commodity under the statutory provision indicated above. Any interested person desiring to participate in this proceeding may file an original and seven copies of his written representations, views and arguments in support of or against the relief requested on or before May 18, 1973.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-7483 Filed 4-17-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 13, 1973.

An application, as summarized below, has been filed requesting relief from the

requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the General Rules of Practice (49 CFR 1100.40 and filed on or before May 3, 1973).

FSA No. 42661—*Carbolic Acid (Phenol) to Cincinnati, Ohio.*—Filed by Southwestern Freight Bureau, Agent, (No. B-406), for interested rail carriers. Rates on acid, carbolic (phenol), in tank-car loads, as described in the application, from Allemania, La., also Bayport, Baytown, Freeport, Nadeau, and Texas City, Tex., to Cincinnati, Ohio.

Grounds for relief—Market competition.

Tariffs—Supplements 51 and 27 to Southwestern Freight Bureau, Agent, tariffs Nos. 38-D and 355-C, I.C.C. Nos. 5044 and 5062, respectively. Rates are published to become effective on May 13, 1973.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42662—*Carbolic Acid (Phenol) to Cincinnati, Ohio.*—Filed by Southwestern Freight Bureau, Agent (No. B-407), for interested rail carriers. Rates on acid, carbolic (phenol), in tank-car loads, as described in the application, from Allemania, La., also Bayport, Baytown, Freeport, Nadeau, and Texas City, Tex., to Cincinnati, Ohio.

Grounds for relief—Maintenance of depressed rates without use of such rates as factors in constructing combination rates.

Tariffs—Supplements 51 and 27 to Southwestern Freight Bureau, Agent, tariffs Nos. 38-D and 355-C, I.C.C. Nos. 5044 and 5062, respectively. Rates are published to become effective on May 13, 1973.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-7428 Filed 4-17-73;8:45 am]

[Notice 14]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 13, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for overating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c) (9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c) (9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-11220 (deviation No. 21), GORDON'S TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. 38102, filed April 3, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to Lake City, Tenn., thence over U.S. Highway 25-W to junction Interstate Highway 75 at or near Knoxville, Tenn., thence over Interstate Highway 75 to junction Tennessee Highway 95, thence over Tennessee Highway 95 to junction U.S. Highway 11, thence over U.S. Highway 11 to Charleston, Tenn., thence over unnumbered highway to junction Interstate Highway 75, thence over Interstate Highway 75 to junction U.S. Highway 411, thence over U.S. Highway 411 to junction U.S. Highway 41, thence over U.S. Highway 41 to Marietta, Ga., thence over Interstate Highway 75 to Atlanta, Ga., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 50 to Aurora, Ind., thence over Indiana Highway 56 to Scottsburg, Ind., thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31-E to Louisville, Ky., thence over Interstate Highway 65 to Decatur, Ala., thence over U.S. Highway 31 to junction Alabama Highway 67, thence over Alabama Highway 67 to junction U.S. Highway 278, thence over U.S. Highway 278 to Atlanta, Ga., and return over the same route.

No. MC-112713 (deviation No. 20), YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, Shawnee Mission, Kans. 66207, filed March 21, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over Interstate Highway 40 to junction Interstate Highway 30 near Little Rock, Ark., thence over U.S. Highway 30 to Dallas, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1).

From St. Louis, Mo., across the Mississippi River to east St. Louis, Ill., thence over Illinois Highway 13 to Belleville, Ill., thence over Illinois Highway 15 to Mt. Vernon, Ill., thence over U.S. Highway 460 to junction Illinois Highway 142, thence over Illinois Highway 142 to junction Illinois Highway 13, thence over Illinois Highway 13 to Shawneetown, Ill., thence across the Ohio River to Blackburn, Ky., thence over Kentucky Highway 56 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, Ky. (also from Mt. Vernon, Ill., over U.S. Highway 460 via McLeansboro to Carmi, Ill., thence over Illinois Highway 1 to Crossville, Ill., thence over U.S. Highway 460 to Evansville, Ind., thence over U.S. Highway 41 to Hopkinsville, Ky.), thence over Alternate U.S. Highway 41 to Nashville, Tenn.; (2) from St. Louis, Mo., over U.S. Highway 66 to junction U.S. Highway 63 (formerly U.S. Highway 66) near Rolla, Mo., thence over U.S. Highway 63 to Rolla, thence over unnumbered highway (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66), near Waynesville, Mo., thence over unnumbered highway to Waynesville, thence over over Missouri Highway 17 (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Conway, Mo., thence over unnumbered highway via Conway to junction U.S. Highway 66, thence over U.S. Highway 66 to Baxter Springs, Kans.; (3) from Kansas City, Mo., over U.S. Highway 69 to junction Kansas Highway 26, thence over Kansas Highway 26 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Oklahoma Highway 66 (formerly U.S. Highway 66), near Edmond, Okla., thence over Oklahoma Highway 66 to Oklahoma City, Okla., thence over U.S. Highway 77 to Dallas, Tex., thence over U.S. Highway 75 to Houston, Tex.; and (4) from Vinita, Okla., over U.S. Highway 69 to Atoka, Okla., thence over U.S. Highway 75 to Dallas, Tex., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-7482 Filed 4-17-73; 8:45 am]

[Notice 29]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS¹

APRIL 13, 1973.

The following publications are governed by the new special rule 1100247

¹Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING MOTOR CARRIERS OF PROPERTY

No. MC 107839 (sub-No. 150), filed February 27, 1973. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Ronald W. Watters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities requiring special equipment): (1) Between Denver, Colo. and Phoenix, Ariz., from Denver south over Interstate Highway 25 to junction Interstate Highway 40, thence west over Interstate Highway 40 to junction U.S. Highway 666 at Sanders, Ariz., thence south over U.S. Highway 666 to junction Arizona Highway 61 at St. Johns, Ariz., thence over Arizona Highway 61 to junction U.S. Highway 60, thence over U.S. Highway 60 to Phoenix, and return over the same route, serving the off-route point of Rosario, N. Mex., and all intermediate points (except those between Albuquerque, N. Mex. and the New Mexico-Arizona State line), and further restricted against service between Albuquerque, N. Mex. and Phoenix, Ariz.; (2) Between Walsenburg, Colo., and Phoenix, Ariz., from Walsenburg, west over U.S. Highway 160 to junction U.S. Highway 89, thence south over U.S. Highway 89 to junction Interstate Highway 17, thence south over Interstate Highway 17 to Phoenix, Ariz., and return over the same route, serving all intermediate points and the off-route point of Dolores, Colo.; and (3) Between Durango, Colo. and junction Arizona State Highway 504 and U.S. Highway 160, from Durango south and west over U.S. Highway 550 to junction New Mexico State Highway 504, thence west over New Mexico Highway 504 to Arizona-New Mexico State line, thence over Arizona State Highway 504 to junction U.S. Highway 160, and return over the same route, serving all intermediate points.

HEARING: June 11, 1973 (1 week), at 9:30 a.m., d.s.t. (or 9:30 a.m., U.S. standard time, if that time is observed), at Phoenix, Ariz. Location of hearing room will be by subsequent notice.

NOTICE OF FILING PETITIONS

No. MC-115093 (Notice of filing of petition to establish alternate gateway), filed March 22, 1973.

Petitioner: MERCURY MOTOR EXPRESS, INC., 704 West Kennedy Boulevard, Tampa, Fla. 33606. Petitioner's representative: James E. Wharton, 17th Floor, CNA Building, P.O. Box 231, Orlando, Fla. 32802. Petitioner holds authority in certificate No. MC-115093, issued April 11, 1968, to conduct operations as a motor common carrier, over regular and irregular routes, of general commodities, with the usual exceptions, between points in Florida, Georgia, and South Carolina, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, Rhode Island, Tennessee, Virginia, and the District of Columbia and points in New York on and South of New York Highway 7, by way of Mt. Olive, N.C., and points within 15 miles thereof. By the instant petition, petitioner seeks authority to serve points in Florence County, S.C., as an alternate to the Mt. Olive gateway in connection with its regular and irregular route operations. Petitioner states that in order to effect the use of this alternate gateway, it has filed an application in No. MC-115093 (sub-No. 10), in which it seeks to restructure certain regular routes and serve certain additional routes for purposes of joinder only. Notice of the application in No. MC-115093 was published in the FEDERAL REGISTER of March 1 and March 8, 1973. Petitioner maintains that the use of the proposed routes in connection with the alternate gateway would not permit the rendition of any new service not presently authorized under its existing authority, and that the proposed routes sought in the proceeding in No. MC-115093 (sub-No. 10), are merely ancillary to the use of the proposed alternate gateway. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11843. Authority sought for purchase by P. W. LINCOLN HORSE TRANSPORTATION, INC., 660 Broadway, North Attleboro, Mass. 02760, of a portion of the operating rights of COUTU VANS, INC., 58 Weybossett St., Providence, R.I. 02904, and for acquisition by ROBERT W. LINCOLN, ROBERT E. DORR, and GRACE M. DORR, all of 660 Broadway, North Attleboro, Mass. 02760, of control of such rights through the purchase. Applicants'

attorney: Mary E. Kelley, 11 Riverside Ave., Medford, Mass. 02155. Operating rights sought to be transferred: *Horses* (other than ordinary livestock), and *equipment and paraphernalia* incidental to the transportation, care and display of such horses, as a *common carrier* over irregular routes, between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Pennsylvania, Rhode Island, Virginia, and West Virginia; *livestock* (other than ordinary livestock), and, in connection therewith, *personal effects of attendants, supplies, and equipment (including mascots)*, used in the care and or exhibition of such animals, between points in Arkansas, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Missouri, Ohio, Pennsylvania, Texas, and West Virginia. Vendee is authorized to operate as a *common carrier* in New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Delaware, Pennsylvania, Virginia, West Virginia, Kentucky, Maine, North Carolina, South Carolina, Ohio, Illinois, Michigan, Tennessee, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11844. Authority sought for purchase by BROWN TRANSPORT CORP., 125 Milton Ave. SE., Atlanta, Ga. 30315, of the operating rights of SERVICE TRANSFER, INC., - 1213 Fourth Avenue, South Seattle, Wash. 98215, and for acquisition by CLAUDE P. BROWN, also of Atlanta, Ga. 30315, of control of such rights through the purchase. Applicants' attorney: Harry C. Ames, Jr., 666 11th St. NW., Washington, D.C. 20001. Operating rights sought to be transferred: *General commodities*, excepting among others, class A and B explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between points within 3 miles of Seattle, Wash., including Seattle. Vendee is authorized to operate as a *common carrier* in Georgia, North Carolina, Tennessee, Colorado, Montana, Wyoming, Washington, Oregon, Idaho, Utah, Minnesota, Wisconsin, Alabama, Florida, Texas, Louisiana, Delaware, Illinois, Indiana, Mississippi, Ohio, South Carolina, Virginia, West Virginia, Kentucky, Michigan, Missouri, Arizona, California, Nebraska, Nevada, New Mexico, Maryland, New Jersey, New York, Oklahoma, Iowa, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Kansas and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11845. Authority sought for control and merger by IML FREIGHT, INC., 2175 South 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, of the operating rights and property of NEVADA TRUCK LINES, INC., 100 Giroux Street, Reno, Nev. 89502, and for acquisition by GATES CORPORATION, 999

South Broadway, Denver, Colo. 80209, of control of such rights and property through the transaction. Applicants' attorneys: Carl L. Steiner, 38 South LaSalle Street, Chicago, Ill. 60603, and Louis Mead Dixon, 195 South Sierra Street, Reno, Nev. 89504. Operating rights sought to be controlled and merged: *General commodities*, with the usual exceptions, as a *common carrier* over regular routes, between Reno, Nev., and McGill, Nev., and between Austin, Nev., and Battle Mountain, Nev., serving all intermediate points on the authorized highways and the off-route points of Ruth and Kimberly, Nev. IML FREIGHT, INC., is authorized to operate as a *common carrier* in Colorado, Utah, Wyoming, Nevada, Nebraska, California, Iowa, Illinois, Arizona, Idaho, Kansas, Missouri, Oregon, Washington, Kentucky, Indiana, Ohio, Pennsylvania, Massachusetts, New York, New Jersey, Connecticut, Wisconsin, Maryland, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11846. Authority sought for purchase by CRAWFORD FREIGHT LINES, INC., P.O. Box 528, Aberdeen, S. Dak. 57401, of a portion of the operating rights of ALL-AMERICAN, INC., P.O. Box 769, Sioux Falls, S. Dak. 57101, and for acquisition by A. R. CRAWFORD, STEPHEN A. CRAWFORD, ROSE A. CRAWFORD, and LINDA C. CRAWFORD, all of Aberdeen, S. Dak. 57401, of control of such rights through the purchase. Applicants' attorney and representative: Michael J. Ogborn, P.O. Box 769, Sioux Falls, S. Dak. 57101, and Stephen A. Crawford, P.O. Box 528, Aberdeen, S. Dak. 57401. Operating rights sought to be transferred: *General commodities*, with the usual exceptions, as a *common carrier* over regular routes, between Aberdeen, and Mobridge, S. Dak., serving numerous intermediate points. Vendee is authorized to operate as a *common carrier* in North Dakota and South Dakota. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-7481 Filed 4-17-73; 8:45 am]

[Notice 254]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's

special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 8, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74246. By order of March 30, 1973, the Motor Carrier Board approved the transfer to Henry Lienhart, d.b.a. Arrow Coach Lines, Little Rock, Ark., of certificates Nos. MC-56626 (sub-No. 3) and MC-56626 (sub-No. 4) issued December 22, 1966 and August 23, 1961, to Delta Coaches, Inc., Greenville, Miss., authorizing the transportation of: Passengers and their baggage, and mail, express, and newspapers, in same vehicle, between Clarksdale and Greenville, Miss., and Helena, Ark., over specified regular routes, serving all intermediate points. Henry Lienhart, 2715 West 10th Street, Little Rock, Ark. 72204.

No. MC-FC-74254. By order of April 3, 1973, the Motor Carrier Board approved the transfer to Freeman Transfer, Inc., a Kansas corporation, Omaha, Nebr., of the operating rights in certificates Nos. MC-120240 (sub-No. 1) and MC-120240 (sub-No. 4), issued November 18, 1964, and July 2, 1969, to Freeman Transfer, Inc., a Nebraska corporation, Omaha, Nebr., authorizing the transportation of general commodities, with the usual exceptions and also except trailers, mobile homes, and prefabricated buildings, between points in Nebraska within 50 miles of Nickerson, Nebr., including Nickerson, on the one hand, and, on the other, points in Nebraska; and corrugated shipping containers, from the plantsite of the Weyerhaeuser Co., Omaha, Nebr., to points in Colorado, Iowa (except Atlantic, Des Moines, Oakland, and points north of U.S. Highway 6), Kansas, Minnesota (except Minneapolis and St. Paul and points in their respective commercial zones, as defined by the Commission), and Missouri: Frederick J. Coffman, P.O. Box 80806, Lincoln, Nebr. 68501, attorney for applicants.

No. MC-FC-74257. By order of March 30, 1973, the Motor Carrier Board approved the transfer to Butler Travel Tours, Inc., North Chelmsford, Mass., of license No. MC-12868 issued to James V. Butler and Margaret O. Butler, doing business as The Butlers, Chelmsford, Mass., authorizing the holder thereof to arrange for the transportation of: Passengers and their baggage in charter and special operations, beginning and ending at points in specified counties in Massachusetts and New Hampshire and extending to points in the United States, except Alaska and Hawaii. Francis E. Barrett, Jr., attorney, 10 Industrial Park Road, Hingham, Mass. 03043.

No. MC-FC-74293. By order of April 2, 1973, the Motor Carrier Board approved the transfer to J&P Properties, Inc.,

Miami, Fla., of the operating rights in certificate No. MC-118282 and all sub-numbers thereunder and the operating rights in permit No. MC-125811 issued to Transystems, Inc., Miami, Fla., the said certificates authorizing the transportation of numerous specified commodities, such as frozen fruits, frozen bakery goods, frozen vegetables, fruit products, and fruit byproducts (not frozen), canned goods, building materials, and new furniture, to and from named points in the United States generally east of the Mississippi River; and the said permit authorizing the transportation of sheet and plate plastic material, from Wisconsin Rapids, Wis., to Miami and Tampa, Fla., and from Lowell, Mass., to Atlanta, Ga., Miami and Tampa, Fla., and New Orleans, La., and liquid adhesive and glue, from Buffalo, N.Y., to Atlanta, Ga., and Miami and Tampa, Fla. Dual operations were approved. Guy H. Postell, suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326.

No. MC-FC-74393. By order of April 4, 1973, the Motor Carrier Board approved the transfer to D.M.T. Trucking, Inc., Baltimore, Md., of the certificate of registration in No. MC-121348 (sub-No. 1), issued January 27, 1964, to Jack Kaplan Motor Trans., Inc., Chelsea, Mass., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the operations authorized under Irregular Route Common Carrier Certificate No. 1794 dated May 10, 1962, issued by the Massachusetts Department of Public Utilities. Frank J. Welner, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.73-7485 Filed 4-17-73;8:45 am]

[Notice 47]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 12, 1973.

The following are notices of filing of applications¹ for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex parte No. MC-67 (49 CFR part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication on or before May 3, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will

¹ Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1641 (sub-No. 100 TA), filed April 4, 1973. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. 68327. Applicant's representative: R. B. Parker (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid asphalt, road oil and residual fuel oils*, from the facilities of Jebro, Inc., Bridgeport Industrial Park, Sioux City, Iowa to points in Nebraska, Iowa, Minnesota, and South Dakota, for 180 days. Supporting shipper: Byron Bower, President, Jebro, Inc., 313 South Phillips, Sioux Falls, S. Dak. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Court House, Lincoln, Nebr. 68508.

No. MC 19105 (sub-No. 39 TA), filed April 4, 1973. Applicant: FORBES TRANSFER CO., INC., P.O. Box 3544, Office: South Goldsboro Street Extension, Wilson, N.C. 27893. Applicant's representative: Vaughan S. Winborne, Capital Club Building, Raleigh, N.C. 27602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, of all types, from Morehead City, N.C., to Newport News, Va., for 180 days. Supporting shipper: Hampton Hardwood Corp., Newport News, Va. Send protests to: Archie W. Andres, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 20729 (sub-No. 14 TA), filed April 4, 1973. Applicant: FREDDIE AHRENSTORFF, doing business as, AHRENSTORFF TRANSFER, Lake Park, Iowa 53147. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Liquid feed and liquid fertilizer*, in bulk, from Lake Park, Iowa, to points in South Dakota east of the Missouri River, and points in Minnesota on and south of U.S. Highway 12 and on and east of Interstate Highway 35 and (2) *liquid feed ingredients and liquid fertilizer and fertilizer ingredients*, from La Platte and Omaha, Nebr.; Sioux Falls, S. Dak.; and Savage, Minn., to Lake Park, Iowa, for 180 days. Supporting shippers: Dynamic Growth, Inc., P.O. Box 506, Lake Park, Iowa 51347 and Rath Packing Co., P.O. Box 330, Waterloo, Iowa 50704. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 27817 (sub-No. 105 TA), filed April 2, 1973. Applicant: H. C. GABLER, INC., P.O. Box 220, R.D. 3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass containers, 1 gallon or less in capacity, from the plantsite and warehouse of Owens-Illinois, Inc., at Fairmont, W. Va., to the plantsite of Joseph Schlitz Brewing Co., Winston-Salem, N.C., for 180 days. Supporting shipper: Owens-Illinois, Inc., 405 Madison Avenue, Toledo, Ohio 43666. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 33919 (sub-No. 5 TA), filed April 4, 1973. Applicant: FAIRCHILD GENERAL FREIGHT, INC., 19 West Washington Street, Yakima, Wash. 98901. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass containers and closures therefor, from the plantsite and warehouse distribution facilities of Owens-Illinois, Inc., at Portland, Oreg., to Ogden, Utah and empty pallets or return, for 180 days. Supporting shipper: Owens-Illinois, Inc., 1700 South El Camino Real, San Mateo, Calif. 94402. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 SW. Pine Street, Portland, Oreg. 97204.

No. MC 107515 (sub-No. 846 TA), filed March 21, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, SE., Forest Park, Ga. 30050. Applicant's representative: K. Edward Wolcott, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, and meat byproducts (except hides and commodities in bulk), from the plantsite of Country Fresh Foods, Division of Dak Foods, Inc., in Hall County, Ga., to points in North Carolina, for 180 days. Supporting shipper: Country Fresh Foods, Division of Dak Foods, Inc., 310 South Ridge Road, Cumming, Ga. 30130. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., room 309, Atlanta, Ga. 30309.

No. MC 113908 (sub-No. 260 TA), filed March 29, 1973. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transport-

ing: Distilled spirits, in bulk, in tank vehicles, from Bardstown, Ky., to Lakeland, Fla., for 180 days. Supporting shipper: Barton Brands, Ltd., P.O. Box 220, Bardstown, Ky. 40004. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 113908 (sub-No. 261 TA), filed April 2, 1973. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid soap, cleaning commodities and ingredients, in bulk, in tank vehicles, from Denver, Colo., to Calgary, Alberta, Canada via U.S. Port of Entry at or near Piegan, Mont., for 180 days. Supporting shipper: Foresight, Inc., 1654 Court Place, Denver, Colo. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 114265 (sub-No. 21 TA), filed April 3, 1973. Applicant: RALPH SHOE-MAKER, doing business as SHOE-MAKER TRUCKING CO., 8624 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, Inc., 1134 North Orchard Street, Suite 2, Boise, Idaho. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Scrap metal and compressed auto bodies and parts*, (1) from points in Malheur, Harney, Baker, Union, and Umatilla Counties, Oreg. and points in Idaho south of the Salmon River and Walla Walla County, Wash., to points in California and (2) from points in Malheur, Harney, Baker, Union, and Umatilla Counties, Oreg. and Walla Walla County, Wash., to Portland, Oreg., for 180 days. Supporting shipper: Auto Disposal Service, Inc., 3780 State Street, Idaho. Send protests to: C. W. Campbell, Bureau of Operations, Interstate Commerce Commission, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 114457 (sub-No. 142 TA), filed April 2, 1973. Applicant: DART TRANSET CO., 780 North Prior Avenue, Saint Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, (A) from the plantsite and storage facilities of Simmons Co. and (B) from Kansas City, Kans., to points in Iowa, Minnesota, and Grand Forks and Fargo, N. Dak. and Sioux Falls, S. Dak., for 180 days. Supporting shipper: Simmons Co., Munster, Ind. 46321. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg.,

110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 124511 (sub-No. 14), filed March 28, 1973. Applicant: JOHN F. OLIVER, East Highway 54, P.O. Box 223, Mexico, Mo. 65265. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except such articles because of size and weight require the use of special equipment), originating at the plantsites and storage facilities of U.S. Steel Corp.; Youngstown Sheet & Tube Co. and Inland Steel Co. located in the commercial zones of Chicago and Joliet, Ill., to points in St. Louis, Mo.; Kansas City, Mo.; Missouri, Iowa, and Nebraska which are east of U.S. Highway 81, for 180 days. Supporting shippers: U.S. Steel Corp., Merrillville, Ind.; Youngstown Sheet & Tube Co., East Chicago, Ind.; and Inland Steel Co., Chicago, Ill. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut St., Kansas City, Kans. 64106.

No. MC 124796 (sub-No. 106 TA), filed April 4, 1973. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91747. Applicant's representative: William J. Monheim (same address as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Water heaters and parts and accessories therefor* for the account of Carrier Corp., from Ashland City, Tenn., to points in Arizona, California, Colorado, Kansas, Nebraska, Nevada, New Mexico, Oklahoma, Texas, and Utah, for 180 days. The transportation service will be performed under a continuing contract, or contracts, with Carrier Corp. Supporting shipper: Day & Night Co., 855 Anaheim-Puente Road, La Puente, Calif. 91749. Send protests to: John E. Nance, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 N. Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 125996 (sub-No. 34 TA), filed April 3, 1973. Applicant: ROAD RUNNER TRUCKING, INC., 7728 F Street, Omaha, Nebr. 68127. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Onion rings; chopped onions; egg plant*, breaded, precooked; frozen, from Grand Island and York, Nebr., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Connecticut, Delaware, Maine, Maryland, New Jersey, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Delicious Foods Co., North Hiway 281, Box 730, Grand Island, Nebr. 68801. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 127840 (sub-No. 36 TA), filed April 3, 1973. Applicant: MONTGOMERY TANK LINES, INC., 17730 South Chicago Avenue, P.O. Box 382, Lansing, Ill. 60438. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats, and blends thereof*, in bulk, in tank vehicles, from Fort Worth, Tex., to points in Arkansas, Oklahoma, Kansas, Missouri, Louisiana, Colorado, and Nebraska, for 180 days. Supporting shipper: Mr. J. H. Groth, Director of Distribution, Swift Edible Oil Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: R. G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 134323 (sub-No. 41 TA), filed April 2, 1973. Applicant: JAY LINES, INC., 720 North Grand Street, Amarillo, Tex. 79105. Applicant's representative: Clayton Logan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Compressors, electric motors, and the other materials, parts and supplies* used in the manufacturing and production of household appliances, furnaces, air cleaners, and conditioners, humidifiers, and related items, from Elkton and Frederick, Md., and Trenton, N.J., to Buffalo, N.Y., and Greenville and Muskegon, Mich., for 180 days. Supporting shipper: Robert C. McArthur, General Traffic Manager, Fedders Corp., Edison, N.J. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 134934 (sub-No. 3 TA), filed April 3, 1973. Applicant: DONALD L. BROWN, doing business as DONALD BROWN TRUCKING, P.O. Box 335, Warren, Ill. 61087. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, (a) from Freeport, Ill., to points in Dane, Grant, Green, Lafayette, and Rock Counties, Wis.; (b) from Warren, Ill., to Rock County, Wis.; (c) between Freeport, Ill., and points in Clinton and Dubuque Counties, Iowa; (d) from points in Clinton and Dubuque Counties, Iowa, to points in Boone, La Salle, Lee, Stephenson, and Whiteside Counties, Ill.; and (e) from Compton and Peru, Ill., to points in Clinton, Dubuque, and Jackson Counties, Iowa; Dane, Green, Grant, Lafayette, and Rock Counties, Wis., for 180 days. Supporting shipper: H & H Farm Chemicals, Athens, Ill. 62613. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett Mc-

Kinley Dirksen Building, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

No. MC 136019 (sub-No. 1 TA), filed March 30, 1973. Applicant: JAMES McGRAW, doing business as McGRAW DELIVERY SERVICE, 837 Bonita, Elk Grove, Ill. 60007. Applicant's representative: Philip A. Lee, 33 North Dearborn Street, Suite 1801, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vises, clamps, machinery, drill presses, bandsaws, and abrasive cut-off saws; vinyl tape and specialized industrial handles (cary Pax T.M.); and kindred parts* used in the manufacture of the above-named commodities; *iron and steel castings and forgings, nuts and bolts; and corrugated cartons*, between Schiller Park, Ill.; Winchester, Tenn.; and Bensenville, Ill., for 180 days. Supporting shipper: Wilton Corp., 9508 Glenlake, Rosemont, Ill. 60018. Send protests to: District Supervisor William J. Gray, Jr., Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

No. MC 138573 TA, filed April 3, 1973. Applicant: TRUCKING SERVICES, INC., 635 West 18th Street, Tucson, Ariz. 85703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paving asphalt, liquid asphalt, and asphalt emulsion*, from points in Nevada to points in Arizona, and between points within Arizona, for 180 days. Supporting shipper: Douglas Oil Co. of California, P.O. Box 60205, Terminal Annex, Los Angeles, Calif. 90060. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 3427, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-7480 Filed 4-17-73;8:45 am]

[No. 35824]

UNION EQUITY COOPERATIVE EXCHANGE

Petition for Declaratory Order Regarding Equitable Distribution of Railroad Freight Cars.

APRIL 11, 1973.

Notice is hereby given that, by petition filed on April 10, 1973, Union Equity Cooperative Exchange filed a petition pursuant to the provisions of section 554(e) of the Administrative Procedure Act, 5 U.S.C. section 554(e), seeking a declaratory order establishing an equitable policy for the distribution of empty railroad freight cars. The relief is also sought pursuant to section 1(15) of the Interstate Commerce Act.

Petitioner alleges that it is not receiving enough, or a fair supply, of empty cars, as is evident from the fact that its wheat inventory at Enid, Okla., has decreased at a much slower rate than have inventories at other grain terminals north of Enid and throughout the Midwest.

Petitioner further alleges that, although sections 1(4) and 1(11) of the Interstate Commerce Act require every carrier by railroad to furnish and enforce just and reasonable rules, regulations, and practices with respect to car service, such reasonable car distribution policies and practices are not being adhered to.

Petitioner states its belief that the Commission's traditional guideline is that all shippers of like commodities should receive basically the same percentage of cars in relation to the number ordered, but that through a possible misunderstanding of that policy petitioner is being penalized because the vast majority of its interior storage capacity is concentrated at Enid. Petitioner avers that if its storage capacity were divided among several different locations it would be receiving many more empty cars for loading than are presently being received. Petitioner contends that its competitors' facilities are situated at many different locations, which enables them to obtain a greater supply of cars than is being furnished to petitioner. Because of the situation, shipments from Enid have allowed petitioner's Houston, Tex., elevator to operate at less than 20 percent of capacity while, at the same time, other elevators at Houston and other ports are being embargoed periodically. Finally, petitioner states that the policy under which it receives cars ignores petitioner's ability to increase by a substantial margin the utilization of rail freightcars, engine power, yard facilities, etc.

Any person interested in the matter which is the subject of the petition and who wishes to participate actively in any further proceedings herein shall notify this Commission, by filing with the Office of Proceedings, room 5342, 12th Street and Constitution Avenue NW., Washington, D.C. 20423, on or before May 29, 1973, an original and one copy of a statement of his intention to participate. Thereafter, the nature of further proceedings herein, if any, will be designated. The petition and statements of intent to participate, if any, will be available for public inspection at the offices of the Commission during regular business hours.

A copy of this notice will be served upon the petitioner, and notice of the filing of the petition will be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., and by delivering a copy hereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-7486 Filed 4-17-73;8:45 am]

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